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New National Planning Policy Framework for England

By Sebastian Charles

The much anticipated National Planning Policy Framework (NPPF) has now become a reality. Over a thousand pages of guidance in 44 separate policy documents have been withdrawn. The 52 pages which replace them all are promised by David Cameron to be " ..the biggest simplification to our bureaucratic top down planning laws in 60 years.." and were heralded in the budget by George Osborne with the bold statement: "The NPPF will refocus planning policy to better support growth..".

Will the reality live up to the hyperbole?

A backlash against the earlier draft from the anti development lobby (including the National Trust and Campaign to Protect Rural England) has resulted in a rewrite of many aspects of the NPPF that provoked adverse comment from middle England.

The controversial "presumption in favour of sustainable development" has been retained, but now "sustainability" is defined to include social and environmental factors, not just economic ones. It adds emphasis to the "sustainable", rather than "development", limb of the presumption.

Also new is:

- Recognition of the intrinsic character and beauty of the countryside
- Powers for residents to define "Local Green Space" in their neighbourhood plans, that may not be developed
- Councils are encouraged to resist "inappropriate" development of gardens

Existing principles are retained:

- "Brownfield first" principles are emphasised
- Offices are retained alongside retail and leisure as "town centre first" uses
- The great importance of Greenbelt is recognised
- A balanced approach to heritage assets

There is a strong emphasis on the plan led system and plan making. The NPPF takes effect immediately but with a 12 month window of opportunity for Councils to get up-to-date plans in place. After the window closes, in the absence of an up-to-date plan, the NPPF will have full weight in planning decisions where there is conflict with old style development plan documents.

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So what are the implications for developers and landowners?

For the best and most sustainable sites and development proposals there is much to give confidence that passage through the planning process will be swifter and more certain. However that tended to be the case anyway for those sites under the old system. The challenges of the complex and less straightforward sites may prove to be greater, especially for development that is unpopular locally but needed in the national interest, such as large scale new housing or renewable energy.

Those promoting new development will have to commit resources to participate in the plan making process, and stay in for the long haul, to ensure their sites are allocated at local plan level and that neighbourhood plans don't prejudice their development prospects.

There are advantages to brevity in the planning system, but there is a danger that a vacuum is created by leaving so much detail out of the guidance. The NPPF may not now deal with many scenarios that can arise in the complex interface between public and private rights, where there had previously been fuller guidance. An example is in the case of noise sensitive development proposed near existing sources of noise. This vacuum creates uncertainty, and scope for dispute with consequent delay and additional cost, that may deter investment. This could in some cases be the unintended consequence of the Government's sweeping reforms.

The free market think tank, the Institute of Economic Affairs, says "The government's NPPF is a cautious attempt to address the anti development bias in the planning system outside of protected areas. This is a reasonable first-aid measure but no more than that".

There is a lot to play for in the next twelve months and beyond. The battlefield upon which planning contests will be fought has been reshaped, and there will be winners and losers.

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