



Action with Communities in Rural England

ACRE Briefing: CLG Select Committee report on the draft NPPF

The CLG Select Committee examined the issues emanating from the publication of the draft National Planning Policy Framework (NPPF) in August 2011, and has now published its recommendations¹. Government Ministers appear to welcome much of its content in contributing to the final version next spring. The recommendations represent considerable movement from the original proposals, which created huge ambiguity within what all parties agree should be a plan-led system in which local planning authorities, developers and communities should all have confidence.

ACRE Comment: *The recommendations address almost all of the issues raised in the ACRE draft NPPF briefing², in particular the issues of transition, presumption for economic growth, and viability tests which would potentially reduce the quality of infrastructure provided by development in rural areas.*

*The need for an improved policy to encourage provision of **rural affordable housing** is not addressed. The draft NPPF proposed a cross-subsidy model with the emphasis on mixed development, which ACRE believed would require disproportionate open market housing to produce sufficient finance for the affordable element. There is indirect impact in the Select Committee report that does help remedy the situation, in that the clarity it proposes for the 'presumption for development' makes it less likely that land not allocated in the local plan for housing would acquire open market value for housing. In addition, the recommendations ask for confirmation that local plans can include additional policies, such as exception sites with or without cross-subsidy, even though the NPPF may not specifically mention this.*

The report supports exceptions to a Town Centre First approach to support rural sustainability, but there is no clear comment on the need to avoid local key settlement policies which condemn small rural communities to inherent unsustainability. Rural stakeholders continue to argue for this in the final NPPF.

Definition and interpretation of Sustainable Development

The report concludes that '**sustainable development**' in the draft NPPF is poorly defined and continually conflates 'sustainable development' with 'sustainable economic growth'. The NPPF should adopt a clear definition of sustainable development derived from the 2005 version used in existing national planning policy. The presumption for granting development policy should be redefined as '**a presumption in favour of sustainable development consistent with the Local Plan**'. This anchors sustainable development to local circumstances, reiterates the importance of the plan-led system and provides a spur to local authorities to prepare their Local Plans.

Viability of sites and the provision of required infrastructure

The test of 'viability' causes much concern. This could allow unsustainable development to go ahead if it could be claimed that measures to make it sustainable were too expensive for the developer. The report recommends the NPPF should make it clear that delivery of infrastructure requirements necessary to the development should underpin decisions, with considerations of viability not based purely on providing a financial return deemed acceptable by the developer.

¹ <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmcomloc/1526/152602.htm>

² <http://www.acre.org.uk/Resources/ACRE/Documents/Briefings/ACRE%20briefing%20NPPFRevised%2019%20Sept%202011.pdf>

The relationship between the NPPF, Local Plans and Neighbourhood Plans

The NPPF needs to set out in a clear and cogent manner whether the Local Plan or the Neighbourhood Plan takes precedence, and should also define what constitutes 'strategic issues'. The NPPF should confirm that, in all planning decisions, it is a well-evidenced local plan that provides the operational expression of the general presumption in favour of sustainable development.

Transition period for local plan development

There should be a strictly limited transition period during which the "presumption in favour of sustainable development" is not applied in cases of absent, silent or out-of-date plans until councils have had a realistic chance of putting such plans in place. A mechanism is needed to enable local plans to be kept up to date with a 'light touch' system of approval for changes, particularly changes that may result from the introduction of the NPPF. Government should consider whether the Planning Inspectorate capacity is sufficient to prevent a bottleneck that may occur as a result of increased challenge to Development Control decisions.

Brownfield and Town Centre First policies

The report recognises the danger that the removal of the brownfield target and the 'brownfield first' policy—in conjunction with the introduction of the presumption in favour of sustainable development—will result over time in less importance being attached to the use of previously-developed land first. This principle should be strongly re-stated in the NPPF, and reiterated by requiring local authorities to set their own targets for the use of brownfield land.

Asking local authorities to identify six years' rather than five years' worth of sites for housing carries an inevitable risk that the total supply will contain a greater proportion of greenfield sites. The NPPF should be explicit in requiring local authorities to adopt a local target for the use of brownfield land and prioritise it within their six-year supply. The report recommends that windfall sites should be included alongside identified brownfield land where there is a history of such sites coming forward for development.

The NPPF should reflect the existing Town Centre First policy by bringing offices back within its ambit, in a form that allows exceptions that make a specific contribution to rural sustainability. Application of the sequential test for development should remain a requirement rather than a preference, and developments that fail the sequential test should be deemed unsustainable. Government should clarify the policy position on town centres with respect to arts, culture and tourism uses within the Town Centre First policy. The NPPF should include a provision to allow communities, in certain exceptional circumstances, to adopt an absolute protection of a town centre from out-of-town retail development.

Omissions from the draft NPPF

The Government should review the NPPF as a whole, to check that there are no other relevant, specific issues that are either omitted or adversely affected by the changes in the Framework. Fears about the excessive increase in length of the NPPF could be allayed by cross-referencing other documents and will be substantially aided by a more appropriate definition of sustainable development. The revised NPPF should also reassure local authorities that they are permitted to take into account in their local plans any issues that are not explicitly referred to in the Framework.

The word "**amenity**" does not appear in the draft Framework, a term which could be a useful "catch-all" for facilities or features of value to the community that are not otherwise referred to in the NPPF. The definition of **affordable housing** in the draft NPPF is different from that contained in PPS3 and the latter should be the one adopted within the final version.

What now?

The report makes a strong case for a **short consultation** to allow practitioners to make comments on the technical aspects of the revised NPPF. This would help avoid confusion at a later date. The Government should also consider carrying out a brief but wider consultation if it makes substantial changes to what might be reasonably regarded as key principles in the final NPPF.