



Action with Communities in Rural England

ACRE Briefing: The draft National Planning Policy Framework (NPPF)

Summary

The Government is committed to simplifying planning guidance which governs where and how development can take place. The new National Planning Policy Framework (NPPF) will replace **all** current national guidance and the draft is now out for consultation.

The draft NPPF has generated significant commentary from public, private and non-governmental bodies. This stems from its role in determining the balance between:

- driving forward housing and economic development
- protecting the environment and valued landscape
- funding the infrastructure that is essential to make development sustainable

In its consideration of sustainable development, **government has focused the NPPF on a strategy for sustainable growth**. This gives proportionately more weight to allowing development where no strong objections exist on the grounds of environmental protection or other valid reasons which have been justified in an 'up to date' local plan.

ACRE comment:

*We broadly support the simplification of national guidance, which gives more freedom to local planning authorities and communities, in preparing local and neighbourhood plans. However, the draft NPPF changes the way decisions are made on individual planning applications. The **'presumption for granting planning permission'** appears to invalidate any current local plan policy that gives general protection from development in the countryside. Existing adopted or emerging local plans will not have envisaged a presumption for development and modification of local plans to address this is a lengthy and costly process.*

*The Planning Inspectorate has recently issued guidance that states that inspectors can, from now on, give some material weight to the emerging NPPF in deciding whether to grant permission for development proposals at appeal. This raises serious questions about the **transition period for the NPPF to take effect** and whether we are entering a period of 'planning by appeal' at the expense of a strategic approach and longer term sustainability.*

*Other changes include the apparent strengthening of limits to rural development in communities with poor local services, which is a potential return to the **'key settlement approach'** that has denied some communities the housing they need to be sustainable. Secondly, the approach promoted for **rural affordable housing** involves a cross-subsidy model which, although not replacing exception site methodology, appears less able to control 'hope value' that landowners may anticipate, thereby affecting the viability of any scheme. Thirdly, the section on **deliverability** offers a scenario where developers can argue that higher costs of infrastructure in rural areas are unreasonable, and can potentially deny communities the measures which may otherwise make a development acceptable.*

Background

The Government is committed to simplifying planning guidance which governs where and how development can take place. The NPPF is the basis on which the implementation of many Localism Bill measures will rely, including what can be achieved through Neighbourhood Planning.

The draft NPPF sets national priorities and regulations which apply to both the preparation of local **and** neighbourhood plans, and how local planning authorities and appeal inspectors decide on individual planning applications. It aims to ensure that planning decisions reflect genuine national objectives, e.g. the need to safeguard the natural environment, combat climate change, and to support sustainable local growth - while allowing for local authorities and communities to produce their own plans, reflecting the distinctive needs and priorities of their areas.

The consultation period runs to 17 October 2011. The NPPF will replace existing planning guidance including Planning Policy Statement (PPS) 1 – Delivering Sustainable Development, PPS3 Housing, PPS7 Sustainable Development in Rural Areas and PPS12 Local Spatial Planning. A full list of replaced documents can be viewed in the [Draft National Planning Policy Framework: Consultation](#)

Delivering sustainable development

The draft NPPF confirms the definition of sustainable development as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF says that, for planning, sustainable development means planning for prosperity, people and for places, balancing the needs of the economy, housing and services with enhancing and protecting the environment.

However, government places particular emphasis on sustainable economic growth through positive planning. Councils should set a clear economic vision and strategy based on an understanding of business needs across their areas. Local planning authorities should:

- prepare Local Plans based on meeting objectively assessed development needs
- approve development proposals that accord with statutory plans without delay
- grant permission where the plan is absent, silent, indeterminate or out of date

Presumption for growth

The final point above is the major change to current practice. Decision-takers at every level should assume the default answer to development proposals is 'yes', except where this would compromise key sustainable development principles in the NPPF. These principles include **protection for the most valued land** under Green Belt, AONB, environmental or heritage policies. In addition, government is proposing a new Local Green Space Designation policy (see page 7). Where strict criteria are met, local communities will be able to identify particular sites as being of special value and this will provide protection in a similar way to Green Belt designations.

This presumption for growth should encourage local authorities to ensure plans are in place and up to date. For sites with no formal designation in the local plan, **local authorities should grant planning permission** unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework policies.

ACRE comment:

*Whereas local plans often include generic policies that discourage development in the open countryside except where development is allocated, **the NPPF turns this around**. Development is inherently assumed to bring benefit. At the moment, planning authorities and planning inspectors generally refuse applications on sites not positively allocated or designated within a local plan. Now planning authorities will have to justify refusal on other site-specific grounds and their justification has to be credible at a planning appeal.*

Advice to Planning Inspectors

Whereas the NPPF is currently out for consultation, the Planning Inspectorate have already (August 2011) issued advice to inspectors that states they are able, from now on, to give 'some' material weight to the emerging NPPF in deciding planning appeals on site-specific applications.¹

Local Plans' conformity with the NPPF

A local authority may apply for a **certificate of conformity** with the NPPF under a system yet to be defined by government. This will enable authorities that have already adopted local plans, or are about to do so, to avoid later arguments by developers on non-compliance during public examination or appeal processes.

ACRE Comment:

*The way in which different NPPF measure come into play means that **transition to the new arrangements will be the biggest challenge** for local authorities, inspectors and communities alike. In the longer term, local plans would be constructed to include relevant green space and other designations to provide an acceptable balance for the presumption for growth.*

In the short term, any generic countryside protection policies in an existing or emerging local plan will need to be immediately removed for the plan to gain a certificate of conformity with the NPPF. However, other local plan policies will not have taken account of the impact of a presumption for development covering undeveloped areas. Plans would need to be modified with additional designated areas to cover environmental, heritage and green space designations, the groundwork for which may not have been adequately prepared because there was no anticipated threat to such areas at the time of the local plan preparation.

Retrofitting plans with green space designations does not appear easy. According to the draft NPPF, such designations can only be made when a plan is prepared or reviewed. The transition phase would extend to the point at which all revisions to designated areas could be researched, consulted upon and adopted. For a local plan that has been recently adopted, the prospect of an early return to the huge bureaucracy of formal consultation and Examination in Public may be unwelcome. For some planning authorities, this transition period could therefore last many years.

*It is highly likely, in the meantime, that planning decisions will centre on the degree of material weight given by planning appeal inspectors to the emerging NPPF. This, in turn, may **herald a period of 'planning by appeal'**, rather than plan-led decision-making. For local communities, this could significantly undermine **confidence in the new planning system**, and damage the willingness with which local people volunteer their time and effort to make positive planning work.*

*However, **neighbourhood plans can also include green designations** and can be developed at any time. Designations would need to meet the specified NPPF criteria and not compromise the strategic policies in the local plan. Government wishes to see neighbourhood plans identifying housing over and above evidenced housing needs in the local plan. Unless the likely NPPF transition issues are resolved, it would seem that the driver for communities will be much more about trying to exercise some control over ad hoc, developer-led growth in the non-designated countryside. For ACRE's members, this presents a challenge in **supporting communities to think positively** about local needs on housing, facilities and services.*

ACRE will be seeking clarity on the timing and use of green designations and its possible implementation through other means such as Supplementary Planning Documents.

¹ http://www.planningportal.gov.uk/uploads/pins/advice_for_inspectors/nppf_consult.pdf

Viability, deliverability and infrastructure payments

The draft NPPF reflects the future implementation of the Community Infrastructure Levy, whereby standard contributions from the developer are agreed upfront at the plan-making stage rather than negotiated individually at planning application stage. This puts the onus on local planning authorities to prepare infrastructure development plans in parallel to the development of local plans. Local authorities should ensure that these are kept under review. The NPPF requires a meaningful proportion of the community infrastructure payments should be '**placed under the control**' of the neighbourhood affected by any development site from which the payments are derived.

A development proposal should contribute appropriate investment in infrastructure to make it acceptable in planning terms. However, unnecessary conditions or obligations should be avoided, particularly when this would undermine the viability of development proposals.

The draft NPPF goes further in tackling viability and deliverability. The costs of any requirements likely to be applied to development such as affordable housing or specific infrastructure should be at a level that will ensure the proposal is deliverable and provides acceptable returns for the landowner and developer. The general viability of community infrastructure contributions therefore becomes an issue that is debated at the public examination of a local plan, though the more tightly constrained planning obligations that apply to a particular site would be considered, once a planning application is made.

ACRE comment:

The emphasis on viability does carry risks for rural areas. Assessing viability, in terms of the financial return to the landowner/developer, will be a combination of two factors tested at different parts of the planning/development management process. This contrasts with the custom and practice in most rural communities where discussion on what would make a particular development acceptable takes place when a specific proposal is on the table.

*In rural communities, local facilities and services are often provided by the community themselves. **Communities must rapidly acquire skills in assessing and advocating, at the local plan development stage, for the infrastructure needs related to various scales of development.***

*Clarity is needed on whether issues concerning infrastructure contributions can be revisited for a particular community or group of communities **as part of a Neighbourhood Plan**. Alternatively, the outcomes of work undertaken within Neighbourhood Plans in an area could be adopted as part of the local authority review of their infrastructure development plan.*

The NPPF appears to state that planning authorities should err on the side of accepting reduced infrastructure contributions, rather than using this as a reason for refusing applications. Where infrastructure costs are expensive compared to the scale of development proposed – a situation which is particularly relevant to rural communities – it would appear that achieving a compromise decision can only lead to the community receiving less in the way of infrastructure contributions from a development than it would otherwise warrant.

Neighbourhood Planning

The draft NPPF sets out the framework for developing neighbourhood planning which allows communities to create their vision of where new shops, offices or homes should go. Following an independent examination and if approved by a local referendum, the neighbourhood plan will be adopted and its policies would take precedence over existing policies in the local plan for that neighbourhood.

For communities who choose to engage in neighbourhood planning this means they should develop a neighbourhood plan which:

- supports the strategic development needs set out in the local plan, including policies for housing and economic development (i.e. be in *general conformity* with the local plan)
- plans positively to support local development
- identifies opportunities to use Neighbourhood Development Orders to grant planning permission.

ACRE comment:

*ACRE has published extensive briefings on the neighbourhood plan proposals², which are very welcome in providing a statutory framework to secure outcomes from Community Led Planning. Research and experience shows that constructive and holistic debate within communities via Community Led Planning leads to **more positive attitudes to planning**. This includes better recognition of local needs, better understanding of what is required to make the community more vibrant and sustainable and identification of preferred solutions that have wide community support.*

*Rural people have definitely demonstrated an **appetite for neighbourhood planning** as shown by the prevalence of rural communities in the list of neighbourhood planning front runners. However, we are now concerned, as outlined on page 4, that there will be **widespread demand to use neighbourhood planning predominantly to instigate green space designations** as a response to averting the problems resulting from transition to the NPPF presumption for growth.*

*In the longer term, we remain concerned that the biggest hurdle to communities adopting more positive attitudes to housing growth within neighbourhood planning is the requirement for a **formal referendum test**. ACRE argues that this will polarise communities, whereas successful neighbourhood planning needs to employ consensus-building approaches which can, as part of the process, deliver the required demonstration of community support.*

Housing

The Government's key housing objective is to increase significantly the delivery of new homes. The NPPF requires councils to be ambitious in identifying the new homes that their communities need. Together with incentives for communities to accept growth (New Homes Bonus and Community Infrastructure Levy), the NPPF makes it clear councils should ensure their Local Plan meets the **full demand** for market and affordable housing in their areas.

The NPPF further expects that councils go beyond a rolling five year supply of deliverable sites, and include at least a **20% additional allowance** to create competition and choice in the land market. Should this not be demonstrated, planning permission should be granted in accordance with the presumption in favour of sustainable development. Councils are also encouraged to bring back into use empty homes and buildings. The NPPF also removes the previous target specifying the proportion of housing development required on **previously developed (brownfield) land**.

² <http://www.acre.org.uk/Resources/ACRE/Documents/ACREbriefingNeighbourhoodPlansJune2011.pdf>

Throughout the NPPF, the principle of **locating housing development close to services** is reaffirmed. In rural areas, the NPPF states that housing should not be located in places distant from local services. Where large scale development is proposed in less sustainable locations, local planning authorities should require investment to improve the sustainability of the site.

ACRE comment:

*The principle of proximity of housing to services appears to support a return to ‘**key settlement hierarchies**’ that prohibit development in rural communities that cannot sustain the required services. All investigations into creating vibrant rural communities have argued against such approaches, which condemns most small rural communities to inherent unsustainability and decline.*

Whereas this may not be the intention, and other proposals on allowing small scale developments in rural areas demonstrate this, we are concerned about two unintended consequences of measures in the NPPF that will encourage such policies:

- *Local authorities wishing to defend rural communities from unplanned development in the countryside may introduce key settlement principles into local plan policies to improve the chance of defending refusal at appeal*
- *The test of viability appears in conflict with the policy on requiring investment in infrastructure for development sites in less sustainable locations. If this requirement makes the development proposal not viable, the NPPF argues that this should not be the only reason for refusal.*

Rural Affordable Housing

In rural areas, the NPPF directs councils to be responsive to local circumstances and plan housing to reflect local requirements, especially for affordable housing. It also allows for local planning authorities to cross-subsidise affordable housing with open market housing to meet local needs.

ACRE comment:

We applaud the specific mention of the need for affordable housing in rural areas, which is entirely consistent with the acknowledged national and local priorities on rural housing. But we are not sure whether the measures chosen to deliver this will be as successful as they could be.

*We understand that **rural exception sites** will still be allowable if the community is in an area designated by the relevant Statutory Instruments, (generally small rural villages), thereby giving exemption from the ‘Right to Acquire’ and retaining affordable housing for local people. The NPPF Impact Assessment covers the role played by rural exception sites and rightly mentions that affordability is a key barrier in extending its use. However, we urge that confirmation of the continuing role of exception sites is included within the NPPF so that **local planning authorities can be encouraged to retain exception site policies as another ‘tool in the box’.***

ACRE acknowledges that cross-subsidy on small scale developments in rural communities may, in the current climate of public investment, be a successful approach to funding affordable housing. However, we are disappointed that the proposals focus on an open market model where a high proportion of affordable housing might be obtained. The proposals in the NPPF will support landowner expectation that the site qualifies as an open market site and from which they can realise open market value by negotiating down the proportion of affordable housing, particularly when the viability and deliverability tests are applied.

*We would prefer this turned around to a policy that distinguishes such sites from normal development and acknowledges that the **aim of such a development is primarily to satisfy local affordable housing needs** that have been robustly evidenced. Under such a policy, it*

follows that the proportion of market housing allowable on such a site should be sufficient only to make the scheme viable. This reinforces the understanding that the only justification for development of the site is its contribution to sustainable development in providing affordable housing, to counter any landowner expectation of the possibility of a higher financial return.

*Such a proposal is more likely to be acceptable to a local community that has recognised and been encouraged to solve their local housing problems. Without this change of emphasis, we are uncertain whether communities would wish to make positive plans for such sites, as they currently do for exception sites, when **they have no guarantee that the expected proportion of affordable housing will materialise.***

*We are also concerned, that, to meet rural needs, the ability to retain affordable housing for local people 'in perpetuity' is a key factor in persuading communities to accept small scale affordable housing developments. Clarity is needed in regulations and in the NPPF as to whether a **neighbourhood plan can include the restriction on Right to Acquire** the affordable housing on a small scale development, when it is in a qualifying area but there is no specific policy that would cover this in the local plan.*

*If not, it will be a **strong inhibitor** for those communities that wish for some affordable development, along with market development to subsidise it, but would not vote for such a proposal in their neighbourhood plan if the affordable element could not be retained in perpetuity and nomination rights did not prioritise local people in housing need.*

Land protected by designations

The NPPF re-affirms the Government's commitment to maintaining protection for the **Green Belt** by prohibiting all inappropriate development. One of the limited number of exceptions is that, affordable housing and, in particular, **a Community Right to Build order may be allowable in a Green Belt**. Local authorities are encouraged to positively enhance the use of Green Belt, including opening up walking routes and improving biodiversity and damaged landscapes for the enjoyment of all. The appropriateness of existing Green Belt boundaries should only be considered when a local plan is being prepared or reviewed.

The NPPF also retains protection for **Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest** and other environmental designations which protect the character of our country's landscape, stops unsustainable urban sprawl and preserves wildlife. The planning system should seek not just to protect, but, where possible, to enhance **biodiversity**, with rich and connected green spaces for all kinds of species to thrive.

Protections for the **historic environment and heritage** are also retained. Local councils are encouraged to set out how they will protect and improve heritage most at risk through neglect or decay, for the enjoyment of communities now and in the future.

Green Space Designation

In addition, communities will be able to identify **special protection** for green areas of particular importance to them. By designating land as **Local Green Space**, local communities will be able to rule out new development other than in very special circumstances. These sites should be planned **so they complement and do not undermine** investment in homes, jobs and other essential services. Unlike Village Green designations³ a Local Green Space should:

- only be designated when a local or neighbourhood plan is prepared or reviewed
- be of proportionate scale compared with the overall undeveloped hinterland of the community and demonstrate evidence of the community value it contributes.

³ Please also see Defra 'Consultation on the registration of new town or village greens'
<http://www.defra.gov.uk/rural/protected/greens/>

ACRE comment:

In the public war of words that accompanied publication of the NPPF, the protection of designated sites, whether through Green Belt, AONBs or heritage policies has been cited as evidence that the best and most valued countryside and landscape is being preserved despite the presumption for growth.

*Whilst this is true, the vast majority of open countryside surrounding rural communities is of value for its own sake and is now faced with potential intrusion from unplanned development via the presumption for growth. It is the unplanned nature of this that will most concern rural communities. The NPPF introduces **a partial and limited safeguard** via the new local green space designation, but this requires implementation through a formal planning consultation and examination before it can take effect.*

*However, if the green space designation is required to be used sparingly, it still means that communities can have no confidence that the planning system will deliver and maintain the overall long term vision that they make for their community. **Why then, should they volunteer the considerable effort required to develop and pursue a neighbourhood plan**, through a complex system, if the end result is that they cannot guarantee influence on how their community develops.*

The Rural Economy

Planning policies should support sustainable economic growth in rural areas by taking a positive approach to new development. This includes promoting the development and diversification of agricultural businesses and supporting sustainable rural tourism and leisure developments.

ACRE comment:

The NPPF encourages a positive, albeit narrow, approach to the rural economy. Through concentrating on the more ‘traditional’ (farming and tourism) aspects of the rural economy, little is done to support the vast array of rural small/medium enterprises which need suitable premises to expand into – if such sites are not available locally, businesses could be forced to move elsewhere to the detriment of the local rural economy.

Town Centres

The NPPF identifies town centres as an important part of a community and requires councils to recognise this. Local authorities should pursue policies that support the viability and vitality of town centres. The NPPF maintains the ‘**town centres first**’ policy approach which means that retail and leisure developments should look for locations in town centres first, and only if suitable sites are not available look for edge of centre and then out of town centre sites.

Design and transport

Good design is an essential part of sustainable development. The planning system should promote high quality design for all development - whether individual buildings or whole estates, municipal facilities or parks, and public or private spaces. Local plans, including any neighbourhood plans, should set out the quality of development expected for an area, ensuring development that reflects the character and identity of local surrounding areas. Developers will be expected to work closely with those directly affected by their proposals to evolve design proposals that take account of the views of the community.

The NPPF recognises that different policies may be necessary and sustainable transport solutions will vary between urban and rural areas. The NPPF makes clear that local authorities should seek to ensure good access to high quality local public transport for new developments, with priority given to cyclists and pedestrians. Wherever possible, key facilities essential to local life such as schools and shops should be within walking distance of most properties.

ACRE comment:

We welcome the statement that proposals which demonstrate good community engagement in the design process should be looked upon more favourably.

Recognition of different expectations between urban and rural transport requirements is welcome. However, the last proposal on proximity of new development to key services sets up an expectation as to which communities could be excluded from any development at all.

Communications Infrastructure

The NPPF promotes growth for the telecoms industry, but reiterates that this growth should be sensitive to local areas. The policy supports the sharing of masts, using existing buildings, and well designed and camouflaged equipment.

Duty to Co-operate

This Duty will ensure councils work together to address planning issues that impact beyond local boundaries, e.g. housing, transport and infrastructure. In doing this the Government's intention is for councils to work together from the bottom up.

Climate Change

The NPPF confirms planning's important role in tackling climate change and making the transition to a low carbon economy. Planning can help secure radical reductions in carbon emissions through support for energy efficiency improvements to existing buildings and backing the delivery of renewable and low carbon energy initiatives. The NPPF encourages decision makers to provide charging points for electric cars. When deciding planning applications the NPPF encourages planning authorities to recognise that even small scale projects contribute to the overall reduction in greenhouse gas emissions, thereby supporting community led initiatives.

The NPPF also seeks to prevent unnecessary building in areas of high flood risk.

NOTES

The Draft NPPF should be read in conjunction with:

- the Draft NPPF Impact Assessment, particularly the section outlining why rural exception sites have had limited success and need supplementing with additional measures
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951736.pdf>
- the Draft NPPF : Consultation, which outlines the specific questions asked by CLG
<http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>



Action with Communities in Rural England (ACRE) is the national body of the Rural Community Action Network. <http://www.acre.org.uk>

Rural Community Action Network members are charitable local development agencies that provide local support for rural communities throughout rural England. They act as a catalyst in generating community-led initiatives which enhance the vibrancy, well-being and sustainability of rural communities. Our members specialise in supporting communities to undertake community-led planning (parish and town plans) for which the Localism Bill measures on Neighbourhood Planning will, for the first time, provide a statutory framework.

Our network has a genuine focus on sustainable development, tackling social, economic and environmental needs of local communities in a way that entails positive planning for sustainable change. In particular, the rural housing enablers employed by our members, have worked over many years to encourage communities to recognise local affordable housing needs and achieve solutions which benefit from strong community support.

<http://www.acre.org.uk/about-rcan>