

DRAFT NATIONAL PLANNING POLICY FRAMEWORK

COMMENTS BY THE LONDON FORUM OF AMENITY AND CIVIC SOCIETIES

The draft NPPF should:

1. Provide a vision for how the planning system will deliver/achieve sustainable development – a picture of the direction of travel which should:

- **present a clear, coherent spatial vision of how England’s cities and towns, villages and countryside should develop over the next 20 years to secure a more sustainable pattern of development:**

[England is a highly-urbanised country with beautiful countryside. The NPPF needs to capture both. At the moment there is no indication of how our cities, towns, villages and countryside might develop over the next 20 years to secure a more sustainable pattern of development.]

At present the draft does not mention cities, towns and, in particular, London.

ACTION: set out clearly the principles for the development of urban areas and the preferred locations for high trip-generating uses.

NB: This vision, although spatial in approach, would not constitute a spatial strategy that would require a strategic environmental assessment or even a sustainability appraisal.

- **set out the Government’s objectives and strong, clear priorities for the future pattern and location of growth to achieve this vision, including:**
 - more sustainable patterns of development – getting the right development in the right place, at the right time and with the necessary infrastructure, whether housing or business; and
 - preferred locations for major, high trip-generating uses, such as shopping, leisure and offices, etc, should be town centres and, for offices, also sites close to major public transport interchanges

Both these actions would increase the opportunities for using sustainable means of transport rather than increase dependence on car travel. If the Government wants housing and commercial development “in the right places”, the NPPF should indicate what this means.

ACTION: set out clearly the principles and priorities for ensuring more sustainable patterns of development and location of growth at the front of the document

- **set priorities for choosing sites for new development by ensuring that appropriately-located, previously-developed land is developed in preference to greenfield sites in order to promote urban regeneration and the best and most efficient use of land – recognising that:**

- not all previously-developed land will be appropriate and that well-located greenfield sites may sometimes be the most sustainable option; and
- development in the wrong place may create extra costs and social implications that need to be reflected in the assessment of development proposals.

This preference should not be a simple “brownfield first” policy, but one which recognises that the default may be brownfield first, but that there should be exceptions – excluding brownfield sites that are poorly located or have high biodiversity and including well-located greenfield sites, whilst protecting all open spaces through a sequential approach to meeting the needs for all types of open space before disposal for development.

ACTION: set out priorities for choosing sites/areas for development set out in the local plan based on access to and capacity of physical and social infrastructure, services and public transport, as well as constraints such as contamination, flood risk and biodiversity.

Set out clearly that any proposals that come forward outside the plan should be assessed against the same criteria as projects brought forward through the local plan.

- **stress the importance of planning for the development we want, to get the right amount of development in the right place at the right time**, by stressing the need:
 - to plan for sustainable growth and not to encourage growth regardless of type, scale or location: and
 - to adopt a proactive, positive style of planning and away from a reactive, negative and regulatory activity which is the antithesis of planning

ACTION: set out clearly that a plan-led system means planning for development - how much, the most suitable locations and allocated sites – it is not just about compliance with the policies of the plan in line with S38(6).

- **recognise the key role of city, town and district centres in their sub-regional and local economies and ensure that the policy for focusing economic development – retail, leisure, offices, culture, tourism and public administration - in town centres is effective in delivering a “town centres first” commitment by the Government**

The draft policy for town centres is well-meaning, but fails to recognise the economic importance of town centres and, because of its approach to assessing out-of-centre applications, is likely to be ineffective in securing its “town centres first” objective.

It takes far too narrow an approach to the uses that make up the dynamism of town and city centres – it is much more than retail and leisure.

The Government needs to recognise that town centres need investment, that this will only come if developers have confidence in their future as such development needs to take a long-term view.

- the draft policy does not sufficiently promote town centres as the preferred locations to focus town centre activities
- the sequential test, as described in para 78 will be ineffective. The onus must be on the applicant to provide a report on what sites they considered and why more central sites were rejected;
- the requirement to plan for full provision (for the plan period?) now is inappropriate if it were interpreted as a developer seeking to provide all the growth for the next 15 years now – it should, like sites for housing, be in five-year phases. However, even this may be inappropriate as the availability of town centre sites over the next 15 years would be impossible to foresee. The assessment of the future additional floorspace requirements should be undertaken, but the provision of sites should be limited to the first 5 years, unless additional sites in the town centre can be identified.
- the requirements for impact assessment are sketchy, but the proposal to seek to assess impacts over a 10 year period are heroic and misguided. The ability to assess the likely impact is limited – any assumptions are likely to be “wrong” but projected over ten years could be wrong by an order of magnitude so as to make the assessment meaningless and useless. Looking five years ahead is a sufficient challenge.

ACTION: the NPPF should state clearly the economic rationale for promoting the development of town centre uses (retail, leisure, offices, culture, tourism, public administration, etc) in town centres to benefit from the economies of agglomeration, the attraction of a critical mass of such uses, the synergy between uses, the availability of supporting infrastructure and the high level of public transport accessibility.

2. Provide a clearer, stronger endorsement of the plan-led system:

- **define sustainable development** in terms of the implications in economic, social and environmental impacts, and environmental limits, and looking at the long-term – without such a strong bias to short-term, primarily economic considerations
- **press for up-to-date, evidence-based local plans and ensure effective transitional arrangements to allow time for local plans to be improved**
- **endorse a presumption in favour of development that is in accord with an up-to-date development plan and support for refusal of applications that are not in accord with the plan, unless the benefits are sufficient to override this.**

This is not clear in para 14 and the final sentence of the 2nd bullet of para 19 further confuses the issue, as does the frequent repetition of the suggestion that refusal is only possible if the harm “significantly and demonstrably” outweighs the benefits. It is unclear whether this only applies to situations where the plan is absent, silent,

indeterminate or where relevant policies are out of date. As written it could be read to mean that even for applications that are not in accord with plan the “presumption in favour of the sustainable development” the tests above would be applied. This would not only be inappropriate, but would totally negate localism and undermine credibility in the planning system.

ACTION: revise paragraph 14 to state clearly and unambiguously that there is a presumption in favour of development that is in accord with an up-to-date development plan, and, unless there are strong reasons for overriding conflict with the plan, applications not in accord with the plan should be refused,

The credibility of the planning system will rest on this. If the cards were to be stacked against refusal of proposals that are not in accord with the plan, not only would this undermine localism, but the whole ability to deliver the plan and for people to have confidence in the system would be threatened.

Whilst these may appear to be general comments not specifically related to London, they represent the policy support for the London Plan and thus for London Borough Core Strategies. Some of these issues are critical to the direction of travel for the pattern of urban development in England generally, but become critical in major urban areas, such as London.

In London half of the land available for development is within 500m of a high street and high streets are major centres for local employment. The NPPF needs to promote an holistic approach to the development of town centres.

3. Recognise the special needs of London and provide a London dimension to the document and, in particular, should:

- **endorse the Mayor’s Spatial Development Strategy** which takes an evidence-based approach to planning for growth for housing, jobs, town centres, as well as social, green and transport infrastructure.
- **provide a clear London dimension which recognises the special nature of London, especially for:**
 - **housing**
 - **the difficulty of applying a needs-based approach to define allocations**
 - **the difficulty of providing more than a 5-year supply from allocated sites in many Boroughs – London should be relieved of this requirement (para 109) as it would adversely affect the release of industrial land and put pressure on open spaces.**
 - **the types of housing needed**
 - **the need for affordable housing policies which specify a threshold for triggering an affordable housing contribution (eg 10 units or expressed in square metres), in appropriate locations to meet specific needs**

- the demands for specific groups that are poorly catered for – the elderly, disabled, students, etc
 - the need to specify density ranges to secure appropriate built densities and ensure space standards that will ensure viable, sustainable communities and decent living standards for occupiers
- open space uses: the need for strong policies for resisting the loss of any open spaces, from Metropolitan Open Land to small, local parks, from playing fields to allotments
 - freight and distribution: the need to plan positively for freight distribution, consolidation and break-bulk centres – this is essentially transport/business infrastructure suitable for an infrastructure chapter

ACTION: Consider how policies for the growth of towns and cities, but especially London, should be reflected in the revision of the NPPF. There are also a number of issues that will need expansion, such as the five-year supply, affordable housing, density, open space and freight and distribution where the lack of policy guidance is particularly noticeable when attempting to apply the draft NPPF to urban areas generally, let alone London.

4. Explain how NPPF relates to Localism

- local planning authorities, developers and, particularly, local communities need to understand how the NPPF will relate to Localism

There is a need to explain:

- how local plans only have to be in general conformity with the NPPF, allowing local authorities to adopt locally-relevant strategies and policies based on clear evidence of local circumstances that will support policies that seek specific types of development in preferred locations
- that local targets, thresholds (eg for affordable housing) or standards (eg density or car parking) can be set to meet local needs/circumstances.

ACTION: Need to explain how localism informs local and neighbourhood plans, by spelling out policies and proposals that are based on and tailored to local circumstances.

Make clear that local plans need to be in general conformity with the NPPF, which means that they can be different if there is clear evidence to support a different local policy

5. Need for Supplementary Planning Guidance, etc

The NPPF will need to recognise the importance of supplementary planning guidance in the form of master plans, development briefs and thematic guidance which all help create certainty for both developers and communities.

The draft NPPF attempts to inhibit LPA preparation of DPDs, SPDs and AAPs in its paragraph 21, with the words “Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should only be necessary where their production can help to bring forward sustainable development at an accelerated rate, and must not be used to add to the financial burdens on development.”

That policy is misconceived and is contrary to achieving a plan-led system which gives guidance, certainty and understanding to both developers and communities. Supplementary Planning Documents, such as supplementary planning documents on specific subjects, planning or development briefs There should be development plans, and even NDOs, for all areas defined in the proposals map in a local plan, so that the Government’s aims for localism and predictable and prompt planning decisions can be achieved.

6. Transport

The “Transport” section, unlike other subject chapters, except town centres and housing, which have been faithfully précised, displays a total misunderstanding of PPG13. PPG13 is the lead policy guidance on the pattern and location of development – indeed these are the main messages rather than transport itself. If PPG2 Green Belt is worth more than three pages, why does PPG13 rate just two pages?

The “Transport” section fails to grasp this issue – even a restatement of the key principles of PPG13 in para 20 of that document would have been the minimum to help shape the pattern of urban development and location of high trip-generating uses.

The current section has a few useful principles, such as reducing the need to travel (para 88), but these are lost in a ragbag of issues. The net result is that the key principles for the location of development are marginalised in a section that few planners, or anybody else, would read.

ACTION: The approach to locational issues – the pattern, location and accessibility - should be reassessed:

- **the key principles on PPG13, especially para 20, should be retained in the NPPF, as guiding principles central to the vision and an integral part of the core principles.**

- **ideally these issues of pattern, location and accessibility should be “mainstreamed”/integrated into the main sections – business and economic development, housing and sustainable communities, to provide clear guidance on how growth should be used:**
 - **to create more sustainable patterns of development,**
 - **to locate high trip-generating uses in town centres or close to major public transport interchanges**
 - **to maintain or create walkable neighbourhoods**
- **If, however, this section were to be retained, it should be about the pattern of development, location of high trip-making uses and accessibility – with specific guidance on where to develop should be in key development chapters – business and economic development, housing and sustainable communities**

NB: The London Forum supports the proposals of the grouping co-ordinated by the Chartered Institute of Highways and Transport (CIHT) which proposes “mainstreaming” these issues in the key development chapters.

7. Offices

Both PPG13: Transport and PPS4: Planning for Economic Development provide clear advice on the location of offices as high trip-generating uses. PPG13 says that local authorities should:

focus land uses which are major generators of travel demand in city, town and district centres and near to major public transport interchanges. City, town and district centres should generally be preferred over out of centre transport interchanges.” (para 20 (1))

allocate or reallocate sites which are (or will be) highly accessible by public transport for travel intensive uses (including offices, retail, commercial leisure, hospitals and conference facilities), ensuring efficient use of land, but seek, where possible, a mix of uses, including a residential element; and

allocate or reallocate sites unlikely to be well served by public transport for uses which are not travel intensive. (para 21)

NB: This does not mean all offices, such as small offices, should be in these locations, but that large, high trip-generating uses such as larger offices should.

PPS4 recognises:

offices as a main town centre use to which the town centre policies, including the sequential approach, should apply. (para 7(3)); and

that locations outside the town centre but within 500 metres of a public transport interchange, including railway and bus stations, within the urban area should be

considered as edge-of-centre locations for the purposes of the sequential approach (footnote 16, page 26)

The Impact Assessment for the NPPF, which provides the evidence for policy change, says:

“Government considers that this requirement places undue burdens on office development and that the policy objective of ensuring development takes place in sustainable and accessible locations can be achieved through other policy mechanisms.”

The evidence presented for this view is deeply unconvincing.

The main evidence of this “burden” that is quoted is high rents in London’s West End. This evidence is highly selective, unrepresentative and fails to understand that for some businesses the West End is location of choice, **not** one that is required by policy. Within the Central Activities Zone of the London Plan there are ample opportunities for development, as well as at Canary Wharf/Isle of Dogs. If rents are high in the West End it is because the demand for offices in that location are much greater than supply. The London office market is highly segmented and even producing a glut in other parts of Central London, as the market frequently does, does not change this. More offices in Canary Wharf or Croydon are not a direct substitute for offices in the West End. The rationale for the relaxation of policy based on the example of West End rents is inappropriate, driven more by economic theory than market reality.

Chart B2.2 shows the trends in office floorspace location (1971-2006). The classification of policy-compliant locations is incorrect, because it fails to identify areas within 500m of major transport interchanges as compliant locations. In London, before Canary Wharf, for a long time more than 75% of all London’s new office floorspace was built within 500m of one of the London mainline railway termini – not for policy reasons but out of market choice. What the graph does illustrate, however, is that PPG13 policy did not have any effect until after the 2001 version, but for some reason from 2004-2006 the location of completed new floorspace in town centres (+ 300m buffer) fell back to 30%. This is hardly evidence that PPG13 was proving a “burden” to office developers, rather the contrary.

The new policy objective (page 36) to free office development from the need to follow the requirements of the “town centre first” policy and for proposals to be judged on their individual merits, including taking account of local and national policies on the location of new development that generates significant movement of people and the relative supply and demand of/for office space in different locations.

NPPF: Para 88 of the draft NPPF says:

“Planning policies and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.”

This statement, “lost” in the “transport” section is too oblique and vaguely qualified to even be recognised or used by many planners let alone developers. It needs to be part of the

vision and core principles (see comments above on the transport section) and be applied specifically to offices.

The solution to the current vague policy situation is to use offices as a specific example of a high trip-generating use and town centres and areas close to major public transport interchanges as examples of appropriate locations.

ACTION: The vision and core principles should endorse the location of high trip-generating uses, such as major office developments, in places that are or will be well served by public transport, such as town centres or close to/within 500m of major public transport interchanges, as the preferred location for such uses.

8. Need for a stronger, clearer structure to the document

The document would benefit from:

- **restructuring:**
 - the current themes just do not project a vision beyond the contents page
 - the broad themes just do not hang together – the document lacks coherence

ACTION the document needs a vision at the front to enable readers to visualise the structure, content and key messages, with a clear narrative running through the document, such as planning for sustainable development

The content is delivered in policy silos with no obvious connections and none attempted other than an exhortation “to take account of policies set out elsewhere in this Framework”

ACTION create an alternative set of groupings, such as:

- development and creating places – business, housing, sustainable communities, design, historic environment
- policy constraints – minerals, green belt, climate change, natural environment

- **Repetition v clarity**

The document is very repetitive about certain issues, such as sustainable development, yet economises on opportunities to pull things together by referring to the need to “take account of policies elsewhere in the Framework.” The document would be much clearer and be seen as a whole with less repetition, but bringing together key criteria or at the very least providing cross references. For example, all proposals to develop housing sites not allocated in a plan should satisfy the same criteria as those that were allocated. That should be said explicitly and it should be recognised that the criteria scattered around this document cannot be readily found without a cross reference.

ACTION: cut repetition, add lists of criteria and cross reference

9. Reversal of the onus of proof

The draft NPPF has reversed the onus of proof by no longer asking the developer to demonstrate that he has sought policy compliance, but appears to demand that local planning authorities prove that the “harm” of non compliance with the plan “significantly and demonstrably outweighs the benefits”.

This is particularly the case when assessing out-of-centre retail and leisure proposals, despite the Government’s declared commitments to a “town centres first” policy.

This cannot be because this approach of putting the onus on the developer is unacceptable, because the requirement for developer to demonstrate policy compliance is explicitly required for projects involving Green Belt (paras 136, 145 and 146), flood risk (para 157), coastal developments (para 161), use of agricultural land (para 167) and the historic environment (para 184).

In contrast, local authorities are asked not to refuse development unless there would be material harm that does not exceed the benefits for energy efficiency measures

PROPOSALS BY SECTION:

1. Introduction

Add to this section by including:

- **a statement of the purpose of the planning system** to achieve sustainable development, as in the Ministerial Foreword – this needs to be the first statement on the face of the final document. It also needs to emphasise that it is about planning for the growth in housing, jobs, shops and infrastructure that we will need over the next 20 years.
- **a vision for the way England should develop over the next 20 years** – paint a picture of the direction of travel, setting out how our towns and cities, villages and countryside should develop in a more sustainable pattern over the long-term future, setting out how we can achieve more sustainable patterns of development.
- **bringing forward and improving the core principles from para 19 as providing the guiding principles for the document to provide key threads to hold the narrative of the document together.**

2. Delivering Sustainable Development

- **define sustainable development** + three strands. Sustainable development needs to be defined legally robust terms.
- **explain Government's commitment to plan-led system – one that plans for the development – housing, shops, offices, industry, leisure, hospitals, schools and infrastructure – that we need.**
- **presumption:** make clear that the first presumption is that applications will be decided in accord with the development plan, to allow those that are in accord and, generally, to refuse applications not in accord with the plan, unless there are strong reasons to override the plan. (ie as required by S38(6)). Paragraph 14 projects too many messages, some unintended.

3. Plan making

- **a strong, clear statement is needed to emphasise that a “plan-led” system is about planning for the development that we need.**

- in London, “in the absence of an up-to-date and consistent plan” (paragraph 26), planning applications should be determined in accord with the policies and decision-making criteria of the London Plan, not just the NPPF. It needs to be recognised that the London Plan provides the strategic part of London Borough development plans

4. Development management

- need to determine applications in accord with the local plan – **not just the starting point (para 62)** – this is loose language that would provide a field day for lawyers
- need to cover the use of the Community Infrastructure Levy

5. Planning for prosperity

Business and economic development:

- need to plan for economically-successful places – city and town centres – recognising the economic rationale for locating economic activities in town centres – agglomeration economies, critical mass, synergies, competition and the range of services that come from economies of scale
- town centres first policy must be a genuine commitment – the onus should be on developers to demonstrate why proposed development is not in the town centre, not for local authorities to merely “prefer” these locations.

Transport

- the key principles on PPG13, especially para 20, should be retained in the NPPF, though their role as guiding principles needs to be recognised and be part of the core principles. This section totally fails to embrace these principles
- if it were to be retained, this section should be about the pattern of development, location of high trip-making uses and accessibility – specific guidance on where to develop should be in key development chapters – business and economic development, housing and sustainable communities

- ideally these issues of pattern, location and accessibility should be “mainstreamed”/integrated into the main sections, rather than marginalised in this “silo” chapter.

Action: These issues should be integrated into the relevant chapters to provide clear guidance on how growth should be used:

- to create more sustainable patterns of development,
- to locate high trip-generating uses in town centres or close to major public transport interchanges
- to maintain or create walkable neighbourhoods

NB: these should be central to the vision and an integral part of the core principles

Communications infrastructure

- needs to be planned to minimise visual impact and obstructing and cluttering the public realm

Minerals

Although this section may be a faithful précis of the main policy issues in this field it falls between two stools: it is free-standing and adds almost nothing to the main purpose of the documents – to shape the pattern of development in England – whilst as a useful policy set for the industry, specialist planners and for the Planning Inspectorate it falls far short of their needs. They value the detailed minerals policy guidance notes – this short version limited to policy and the cancellation of the existing policy guidance notes represents a backward step. The Minerals Planning Policy Guidance Notes were always outside the mainstream of PPGs/PPSs – there would be no harm in leaving them there.

ACTION: delete this section and retain the existing guidance OR

create a group of sections on policy constraints – minerals, green belts, climate change, natural environment, etc

Planning for people

Housing

- need guidance on where housing should be built, reuse of previously-developed land and making best use of land

- need stronger emphasis on need for affordable housing in both urban and rural areas, with a clear threshold for providing affordable housing
- need policy to support objective (para 107) of widening opportunities for home ownership

Design

- need policy for improving the public realm and decluttering
- need policy on townscape and impact of tall buildings

Sustainable communities

- need clearer distinction between local facilities within easy walking distance (eg primary school and GP surgery) and those further away (eg secondary school and hospital) that need to be reached by public transport – this is particularly an issue for London, but also for other urban areas where there are different communities, and even for towns, where the policies in this section need to provide planning policy support for local community facilities
- reinstate strong sequential test for disposal of open spaces, prioritising other open space uses where need not met before disposal for development, as well as replacing losses with equivalent open spaces

Green Belt

- include protection for Metropolitan Open Land, which currently gets protection in PPG2, which then feeds through to the London Plan and, in turn, London Borough core strategies

Planning for places

Climate change, flooding and coastal change

- climate change-related issues should be part of the overall vision – more central to purpose of planning to secure sustainable development

Natural environment

- need to recognise value of rivers, such as the Thames

Historic environment

- **more emphasis should be placed on the value of conservation areas and their significance in managing the urban environment . They should be defined in the Glossary**