

30 September 2017

Dear Steve,

## **NPPF: SUGGESTIONS FOR CHANGE: LONDON FORUM OF CIVIC AND AMENITY SOCIETIES**

At our meeting last month you encouraged us to make suggestions for the type of changes that we think are needed to the NPPF, especially any which might be considered for inclusion within a revised NPPF.

To start the debate we have provided below:

- Radical options – to streamline, revive positive planning and spatial planning;
- More modest changes – reordering; and
- Specific changes to enrich and update various sections.

### **Radical options**

#### **1. Streamlining**

One of the problems identified with regard to PPGs was that too much of the material was advice rather than policy – whereas for PPSs, such as PPS3 and PPS4, the problem was that too much of the document was about process rather than policy. In addition, the PPGs/PPSs split into three main types – process (PPG/PPS1), positive planning/ planning for development (PPG3, PPG6 and PPG13 –those for which I was responsible) and development management (the rest).

The NPPF reflects this, with process/philosophy, neatly précised silos and process stuff for lawyers. The process material, particularly if you add even more, would weigh down the text and interrupt the flow. It might be better to annex the preferred “process”, such as on housing need, or have it in a separate document. Thinning out the document would allow it to be retrofitted with positive, proactive planning and to introduce a spatial dimension, to provide a more integrated approach to promoting more sustainable patterns of urban development. (see below) Section 13 on minerals should be cut down and parts moved into guidance. Alternatively, it could cut out and left as guidance.

#### **2. Revive positive, proactive planning**

At the NPF meeting yesterday we discussed the reputation problem of “planning” – it is seen by Government, the media, by many local authorities and the general public as being primarily if not exclusively about regulation, not about planning **for** the pattern of urban development, the communities and the places that we want. Your first slide emphasised getting the right housing in the right place. The NPPF does not even do the latter let alone the former.

It would be easy to say that it is all summarised in the Core Planning Principles in paragraph 17, but the question is whether the subsequent material sets it out in more

detail and in a manner which projects these principles in a clear, internally consistent way which promotes, if not a vision, a clear direction of travel for the spatial pattern of sustainable urban development.

If positive, proactive planning is about getting the right development in the right place with the right infrastructure, creating places/communities, creating vital and viable agglomerations of economic activities (aka town centres) which reduces the need to travel, these must become the leitmotifs for this “new” type of planning. This would provide a rudder or even a direction of travel, whilst the current NPPF appears to just go with the flow.

### **3. Revive spatial planning**

Development plans should address the spatial pattern of development – too many plans are little more than a compendium of development management policies. The NPPF appears to mirror this, but without much sense of what the outcome would look like.

The other missing spatial/place dimension is to differentiate between urban and rural, cities and, of course, London. England is a highly-urbanised country and this does not come across. The NPPF is generic not spatial. Recognising that different contexts present different challenges and opportunities. For London Forum this would suggest specific recognition where this applies to London. Fortunately we have the London Plan as a vision/spatial strategy. It forms the Core Strategy for each London borough and defines what they should have in their Local Plan to meet the London Plan policies and on what basis local decisions should be made.

Presumably the NPPF should encourage that kind of ‘regional’ planning for the six new metro authorities and other such groupings.

## **Amending the current NPPF**

### **1. Minor reordering**

**Sections 1-8** (except section 7) are about sustainable development. If getting the right development in the right place is the underlying aim of delivering sustainable development, what that means for each of the major types of development needs to be explained.

**Section 4** is really about locating activities in the right place, which should then lead to economic activities (section 1), especially in town centres (section 2); and then housing (a reduced version of section 6). This would then project a clearer picture of the spatial distribution of activities – in cities, towns, local communities and in the countryside.

This would mean reorganising and strengthening sections to bring out the spatial dimension – a more sustainable pattern of development:

- A new lead section on the location of development (section 4 enhanced by paragraph 20 of PPG13) providing a clearer picture of what a more sustainable pattern of development would look like;
- A stronger, more bespoke and more realistic set of policies for town centres (see later, more detailed paragraphs);
- A clearer guide to more sustainable patterns of housing which deals with more sustainable types of development – infill; accessible brownfield sites; urban extensions; and large-scale new settlements – and avoiding less accessible sites and small-scale developments which are incapable of supporting vital social infrastructure;
- A much stronger emphasis on good design/placemaking (this needs unpacking) (Section 7) and what it takes to create and, just as important, maintain healthy communities (section 8) – this latter needs to be related to accessible/walkable neighbourhoods/communities – it needs to be brought up to date for neighbourhood-based, accessible communities. This needs to be linked to getting development, along with its social infrastructure, in the right place; and
- Developing the local economy and delivering sufficient infrastructure need more emphasis.

**Sections 9 to 13** are essentially about constraints to development and largely about development management. This section may need separating from the preceding sections.

## **2. Specific Changes:**

### **Section 2: Town Centres**

Whilst the aim of policy is to promote town centres – it should also be about maintaining the existing agglomeration of key town centre uses (see para 23, 1<sup>st</sup> bullet). Town centres are the main economic drivers of the local economy. Converting offices to housing not only undermines the existing synergy and vitality of the town centre, but displaces offices to much less sustainable locations where sites are probably pre-empted by housing allocations. OAN for offices would in effect be precluded from preferred locations. (See Glossary for “edge-of-centre locations” for offices – should be town centre or within 500m of a major public transport interchange)

There is a need to plan positively for “objectively assessed need” for a range of “major town centre uses”, recognising that existing uses, such as offices, need to be retained to maintain the critical mass of economic activity in the town centre. Maintaining the supply of town centre floorspace in economic uses is just as important as encouraging new town centre development.

Town centres should be recognised as one of the exceptions to the general “presumption” that change of use should be “normally” be approved (Para 51) – by adding at the end of para 51, “such as in town centres”. Stripping out economic uses from town centres reduces their vitality and viability, whilst adding few housing units which in turn add only a miniscule amount to town centre expenditure.

## Problems with the policy:

### 1. identifying sites for a 15-year supply of town centre uses:

The “Town Centre First” approach which underlies Section 2 only extends to guiding growth of town centre uses to town centres, but does not seek to retain them. It urges local planning authorities to “allocate a range of suitable sites .. in town centres”, but then insists that these needs “are met in full and are not compromised by limited site availability”.

This has been interpreted as identifying sites **now** to meet the full need for additional floorspace for shops, leisure, offices, etc over the 15-year life of the plan, which allows a developer to propose to meet the 15-year “need” **in full now**, by choosing to co-locate a variety of uses in different buildings to meet this need on a single, out-of-centre site. This means that formats such as retail warehouse parks, leisure parks and mix of the two are promoted on large sites in out-of-centre locations, which makes a nonsense of any commitment to securing town centre investment. This pre-empted the consideration of sites which are likely to become available in the next 5 years and beyond, and fundamentally undermines the “town centre first” policy.

This policy is invidious and unreasonable, as it:

- discriminates against town centre sites in favour of large-format, out-of-centre developments which consists of elements that are clearly severable – i.e. separate buildings that do not need to be co-located;
- is a far tougher requirement than that for housing, which only has to demonstrate a 5-year supply of identified sites – but housing is not required to seek town centre sites which are in limited supply;
- requires a 15-year supply for uses for which there are no reliable forecasts for that timescale – identifying sites for a five-year need is more realistic and more reliable for assessing the headroom for additional retail floorspace, let alone for leisure or even offices. Forecasting is an imprecise science, especially for rapidly change floorspace requirements.
- planning for housing is not a comparable, as it can easily be accommodated on sites outside the town centre and non-town centre locations are usually more appropriate.

**Assessing the impact of applications for town centre uses outside town centres** should focus on the impact on the first 5 years when most of the impact would occur. Trying to assess impact over a period of “up to ten years” is likely to be highly-speculative, unreliable and can be manipulated to “minimise” impact.

## **Proposal**

Para 23, 6<sup>th</sup> bullet: Remove the requirement that “needs ... are met in full and are not compromised by limited site availability”

Line 4: after “are” add ”assessed and sites are identified for the first 5 years and the likely scale of need for the next 5 years.”

Para 24: This needs to clarify that co-locating uses on a large site which do not have requirement to be together, should be subject to requirement of demonstrate their need for the main elements to require to be co-located.

Para 26, 2nd bullet: **Delete last sentence**

Para 27: The reference to significant adverse impact would appear to be a very tough test, especially since “Town Centre First” essentially amounts to a presumption in favour of selecting town centre sites because of the positive impact this is likely to have on the vitality and viability of the centre. Locating outside a centre can have a considerable impact, which may not be a function of the size of the “diversion of trade” but because of its relative vulnerability. A 10% trade diversion may or may not sound significant - for robust centres it may not be a problem, but for a vulnerable centre it could be critical. The current wording – referring to “significant adverse impact” - is too subjective

## **Sections 6: Getting the right housing in the right place and promoting healthy communities**

At the moment there is no locational dimension suggested in identifying housing sites, except para 52 which suggests “new settlements or extensions to existing villages and towns that follow the principles of garden cities”.

There have been suggestions that there should be more emphasis or priority given to brownfield sites and making the most efficient use of land through higher densities, but the reuse of brownfield sites has not been qualified in terms of their location. Creating sustainable patterns of urban development would not favour development in unsustainable locations.

Speeches have also emphasised the need to create communities, not just housing estates (or isolated housing sites) which suggest that there is a concern about sustainable communities and accessibility to a range of local social infrastructure. Section 8, which seeks to promote healthy communities, but there is no mention of new housing being in places which have good accessibility, not only to public transport but to a range of local social infrastructure. If the emphasis is on creating stronger and healthier communities, accessibility to local social infrastructure (eg shops, a pub, a primary school, GP surgery) as well as to public transport must be part of selection criteria for building new housing.

At the moment, there is no mention of accessibility in the choice of housing locations (Section 6), no mention of housing or accessibility in the transport section (Section 4) and no mention of new housing and accessibility to local social infrastructure in the section on promoting healthy communities (Section 8).

With increasing emphasis on neighbourhood planning and sustainable communities, the NPPF needs to be brought up to date by explaining the locational choices for housing sites in terms of accessibility to both public transport and to local social infrastructure. An additional paragraph, or even just weaving in the location/ accessibility issues, in sections 4, 6 and 8 would help greatly.

### **Housing: Providing for objectively-assessed need, including housing types**

London Forum supports providing for objectively-assessed need for housing, but does not accept that the “one-size-fits-all” approach proposed by the Local Plans Expert Group should be applied to London. Having criticised the LPEG report on this recommendation we are disappointed to see this continued insistence on this one-paced approach.

There are two reasons for this:

- unlike the rest of the country (for the most part) London approach, with a strategic SHMA and SHLAA, which ends in a negotiated set of housing targets for each London Borough is ultimately a realistic, capacity-based approach. London’s new housing is over 95% on previously-developed land, and very little incursion on “greenfield sites”, whereas elsewhere in the country such capacity constraints do not usually prevent housing sites being found. A capacity-based approach is perhaps unique to London.
- the DCLG household projections are less sophisticated than the GLA SHMAA forecasts which include dealing with the backlog. Likewise the SHLAA process is an extremely thorough and open process, which seeks consensus on land availability. Taken together this works well for all the main parties, GLA, London Boroughs, housebuilders and the community sector (London Housing Federation and London Forum). A centrally imposed solution would not be non-transparent and unwelcome.

We do, however, strongly support specific mention of planning for special types of housing and for the mix of types and sizes of housing.

### **Housing types:**

Para 47 only refers to market and affordable housing, whereas para 50 (1<sup>st</sup> bullet) does refer to “the needs of different groups in the community, such as, but not limited to families with children, older people, people with disabilities, service families and people wishing to build their own homes” and the 2<sup>nd</sup> bullet requires planning authorities to “identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.”

As new housing contributes only a small percentage to the housing stock, the “objectively-assessed need” should prioritise those types and sizes of housing for which there is the greatest need and/or demand, which in London includes both homes to enable older people to down size (and release larger properties) and to provide student housing, in order to take the pressure off general housing. This all helps achieve the “mixed and balanced communities” promoted in the 3<sup>rd</sup> bullet.

There is also essential to recognise the need for homes to rent for people on low incomes – especially in London, where this is the biggest area of failure to deliver.

There is, however, a need to focus the definition of “objectively-assessed need” on the need for a home (i.e. a primary residence) – second homes and investment properties do not meet “objectively-assessed need”.

## **Section 7: Placemaking and Design**

The world has moved on considerably in the last 5 years. Placemaking and design have become mainstream issues, which means this section has a lot of catching up to do. The NPPF is full of platitudes about “finding ways to enhance and improve the places in which people live their lives” (para 17), “making places better for people” (para 56) “to establish a strong sense of place” ... “to create attractive and comfortable places to live, work and visit” (para 58). There is a need to retrofit both section 7 and section 8 to specify planning’s role in placemaking.

## **Section 8: Loss of local facilities and open spaces**

In order to promote healthy communities, planning needs to both plan for new and maintain existing “social, recreational and cultural facilities and services the community needs” (NPPF para 70). These facilities need greater protection from pressure for higher-value uses.

One way of maintaining a balance is to apply a sequential approach to the change of use of such buildings or sites, whereby, if they are no longer needed for specific use, the first option would be the same or similar use, then other social and community uses that are needed in the area and, only when this process has been exhausted, to release these buildings or sites for other uses. This approach is similar to that proposed for open space, sports and recreational use of land and buildings in para 74, where there is essentially a sequential approach to change of use/disposal.

Again, this means putting accessibility at the centre for planning and maintaining sustainable communities/neighbourhoods.

## **Neighbourhood plans – reject LPEG proposal**

London Forum **object** strongly to the LPEG recommendation to limit the policy coverage of Local Plans to strategic policies and that all other more detailed policies should be relegated to neighbourhood plans. In the London context, but probably elsewhere too, Local Plans should be as detailed as is locally considered to be appropriate for authority-wide policies. In London there is also the issue that take-up of neighbourhood planning is low and no prospect of widespread coverage within 10-15 years. London Boroughs need more detailed Local Plans – it should be their choice.

We do, however, consider that the Local Plan should lead in planning for stronger neighbourhoods/local communities, by taking ownership of planning for future social

infrastructure provision to promote sustainable communities, rather than just let them drift into decline.

Local plans should be spatial – should be a detailed lead document, rather than rely on neighbourhood plans – planning **for** local schools, local health, shops, open spaces, etc. Local plans should set the strategy if we are to deliver sustainable neighbourhoods/communities.

We hope this provides you with some options that you could take up – after five and a half years minor tinkering is not enough. Planning practice has moved on – the document is a creature of its time. Now is the time to refresh it.

Best wishes,

Peter Eversden  
Chairman

Michael Bach  
Chairman: Planning, Environment and Transport Committee

London Forum of Amenity and Civic Societies