

# THE NATIONAL PLANNING POLICY FRAMEWORK AND ITS IMPLICATIONS FOR HILLINGDON

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<b>Papers with report</b>	Appendix One: Summary of Main Policies in the National Planning Policy Framework

## HEADLINE INFORMATION

<b>Summary</b>	This report summarises the National Planning Policy Framework published by the Department for Communities and Local Government on 27 <sup>th</sup> March 2012 and notes its main implications for Hillingdon.
<b>Contribution to our plans and strategies</b>	The National Planning Policy Framework consolidates previous sets of national planning policy statements, guidance notes and circulars into a single document. It directly affects the preparation and implementation of Hillingdon's planning policies, including the existing Unitary Development Plan Saved Policies and those in the emerging Local Development Framework.
<b>Financial Cost</b>	No financial implications arise directly from this report
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services
<b>Ward(s) affected</b>	All

## RECOMMENDATION

That the Cabinet:

**Notes the publication of the National Planning Policy Framework and its policies as summarised in this report, and also its implications for Hillingdon.**

## INFORMATION

### Reasons for recommendation

On 27<sup>th</sup> March 2012 the Department for Communities and Local Government published the National Planning Policy Framework (NPPF). It consolidated previous sets of national planning policy statements, guidance notes and circulars into a single document and came into

immediate effect. Members should be aware that the Framework now sets the strategic context for drafting new local planning policies in the emerging Local Development Framework and the implementation of existing local policies when determining planning applications. This report summarises the main implications for Hillingdon of the publication of the final Framework.

### **Alternative options considered / risk management**

The Cabinet may wish to:

1. note the implications of the publication of the final National Planning Policy Framework without further comment ; or
2. make any further representations to central Government that they consider appropriate.

This second option is unlikely to influence the Government's implementation of the NPPF.

### **Policy Overview Committee comments**

None at this stage.

### **Supporting Information**

#### Background

1. In September 2011 the Cabinet considered the Government's draft National Planning Policy Framework, which had been published for consultation purposes. At that time the Cabinet agreed to submit a response to the consultation, expressing a number of concerns. On 27th March the Government published its revised National Planning Policy Framework.
2. The Framework is divided into sections dealing with:
  - a) Achieving sustainable development
  - b) Plan making
  - c) Decision taking
3. The Framework also includes a set of annexes which detail how the NPPF is to be implemented; define various terms used; and list previous national planning policy statements, guidance notes and circulars which have been immediately replaced.
4. The NPPF is a radical departure from previous national planning policy. It replaces all previous Planning Policy Statements and Planning Policy Guidance with a single, 59 page document (including annexes). The key message from the outset is that the purpose of planning is to promote sustainable development. A 'golden thread' running through the NPPF is its 'presumption in favour of sustainable development'. It states that proposed development which is sustainable should be supported by the planning system and go ahead without delay in the interests of national economic growth. Amongst its policy proposals the Framework states that:
  - a) Local plans continue to prevail in the planning process when considering any development proposal, providing they are sound, have been adopted and are consistent with the NPPF. Planning will remain plan-led with the local plan (the Local Development Framework) at the heart of the planning system. It is a legal requirement to make decisions in line with the local plan.

- b) The NPPF took immediate effect on its publication on 27 March 2012. However, for the next 12 months planning authorities can give weight to relevant policies adopted since 2004 even when there may be a limited degree of conflict with the NPPF.
- c) The NPPF contains a balanced definition of sustainable development, which is something which Hillingdon requested in its response last year to the draft NPPF. The Government has taken a definition already used in the UK Sustainable Development Strategy *Securing the Future* (also known as the Bruntland definition). There are five guiding principles: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.
- d) The NPPF also identifies three dimensions to sustainable development: economic, social and environmental. Members will recall that the previous draft NPPF gave little weight to social and environmental matters.
- e) There is now a general presumption in favour of granting planning permission, provided the development is sustainable, in cases where local planning policies are either out of date or absent, silent or indeterminate about a particular type of development.
- f) Local plans should meet objectively assessed development needs, with sufficient flexibility to adapt to rapid change, unless this would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole or a specific policy in the NPPF indicates that development should be restricted (e.g. development proposed on Green Belt land, Sites of Special Scientific Interest, National Parks and other protected sites).
- g) Local Plans must contain a housing trajectory to show how they intend to provide housing over the plan period covered and describe how they will maintain a five-year land supply for housing to help meet their housing target.
- h) Office development is now included as a main town centre use, unlike the 2011 draft NPPF. Proposals for offices and other main town centre uses outside a town centre require sequential site assessments and impact assessments, taking account of their transport implications, etc. There is a requirement for applicants and planning authorities to demonstrate 'flexibility' on issues such as format and scale when applying the sequential approach.
- i) Councils should prioritise the use of previously developed land ('brownfield land') provided that it is not of high environmental value. The national target of developing 60% of all new homes on "brownfield" land has been removed. It will now be for Councils to identify suitable development sites based on local circumstances.
- j) Councils are also free to set their own (non-residential) car parking standards based on local considerations. They no longer need to keep to the maximum national standards set out in PPG 13.
- k) Councils are asked to consider the availability and viability of local community facilities as part of the plan making process and to develop policies to prevent their unnecessary loss.
- l) Councils can set their own building sustainability requirements providing these comply with the Government's zero carbon buildings policy and adopt nationally described standards.

m) Whilst the NPPF has significantly streamlined the policies in the existing Planning Policy Statement 5 on the Historic Environment, greater detail has been included than was the case with the 2011 draft NPPF and officers believe this is beneficial.

5. The Framework is intended to make overarching national planning policy priorities simpler and more easily understood by the public and other planning service users. It aims to make it easier for all stakeholders to understand how the Council's local planning policies put into effect those national priorities in order to achieve objectives such as more sustainable development, better design and economic growth.

6. Alongside publication of the National Planning Policy Framework, the Government also published a Technical Guidance note setting out detailed guidance from the previous Planning Policy Statement 25 on flood risk assessments and from previous mineral planning policy statements and guidance notes intended to supplement the strategic guidance given in the NPPF. It wishes to retain this guidance, "...as an interim measure pending a wider review of guidance to support planning policy...". The note sets out detailed requirements for flood risk assessments and notes important criteria which should particularly be taken into account with proposals for mineral workings, e.g. dust and noise emissions, stability of workings, restoration and aftercare of sites.

#### Key Implications for Hillingdon

##### i) Sustainable Development

7. As with the 2011 draft NPPF, the final Framework continues to give great emphasis to economic growth that can be sustained. It now makes clear that this will not be acceptable at all costs; quality growth is to be the objective and development should be judged against the policies contained in the NPPF as a whole. The need for sustainable development has been reported in the press as a key feature of the NPPF. However, it is something which can be traced back through a long-standing series of planning acts. What is new and uncertain with the NPPF is the balance which will be struck in future planning decisions and appeals between economic development needs and other social and community objectives.

##### ii) Housing Development

8. The borough already has a clear five-year supply of housing land maintained in its Annual Monitoring Reports and a housing trajectory in the draft Core Strategy in line with the requirements of the NPPF. It has also undertaken cross-boundary planning of future housing capacity by its involvement in the preparation of the West London Strategic Housing Land Availability Assessment that is required for preparation of the London Plan. Detailed housing needs and the provision of affordable housing will be key aspects of the preparation of later parts of the Local Development Framework (LDF), the Site Allocations and Proposals Map development plan documents. The NPPF also notes at paragraph 51 that "...councils should normally approve planning applications for changes to residential use from commercial buildings...where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.". This is primarily aimed at encouraging changes of use of unused floors above shops in town centres to bring them into residential use. In Hillingdon work on the preparation of a Development Management development plan document will include a review of town centre boundaries. This will be an opportunity to identify areas in the borough where the Council will not permit changes

to residential use from commercial buildings. This will be in the interests of maintaining the vitality and viability of a centre, in order to maintain a mix of commercial accommodation to allow other uses such as small service office uses to remain located there.

### iii) Natural and Historic Environment

9. Greater significance is now given to maintaining and enhancing the natural and historic environment. Officers consider that the Framework does provide a better national planning policy base than the 2011 draft with which to protect the historic environment, which is considered important in Hillingdon for regeneration, sustainability, leisure and tourism. Whilst the Government has made clear that it will be reviewing past detailed planning guidance, it remains to be seen what further detailed policies will be published on natural and historic heritage matters to further support the NPPF. At present officers remain concerned that as with the 2011 draft NPPF, the policies in these areas remain insufficient to support effective conservation work.

### iv) Car Parking Standards

10. Officers welcome the removal of the minimum parking standards from the NPPF, which were previously included in Planning Policy Guidance Note 13. This will allow the Council to set a range of different standards for different types of uses across the borough, depending upon the availability of good public transport and the character of the local area when it drafts a Development Management Policies Development Plan Document as a later part of the LDF. However, in London it will remain the case that individual boroughs are not completely free to set their own standards according to local circumstances, because their standards will still need to generally conform to those in the London Plan.

### v) Cross-Boundary Co-Operation

11. The NPPF concentrates on planning policies rather than wider regional spatial planning objectives. It remains unclear how London-wide planning policies will inter-relate with those of the wider surrounding South East region, e.g. regarding the priority to be given to infrastructure provision, and the ramifications that this might have for local planning policies, especially in boroughs like Hillingdon which border a neighbouring region. The Framework simply expects local councils to co-operate on matters of mutual cross-boundary planning interest.

### vi) Hillingdon's Core Strategy

12. The NPPF states that Local Plans should be:
- a) Prepared positively - based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
  - b) Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - c) Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - d) Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

13. Officers are of the view that Hillingdon's draft Core Strategy is consistent with the policies in the final NPPF, taking forward the development strategy objectives of the London Plan and it is based on an objective assessment of its future development needs with a wide-ranging evidence base. What the NPPF has done is to re-iterate previous advice in planning policy statements that councils need to maintain relevant, up-to-date evidence base information for their areas in order to draw up development plans and make properly informed planning decisions.

14. Members will be aware that a first stage of the Examination in Public for the Core Strategy was held between 13-15 March, 2012. Following publication by the Government of two policy statements: Planning Policy for Traveller Sites (26<sup>th</sup> March) and the National Planning Policy Framework (27<sup>th</sup> March), the Inspector has amended the Examination Programme. This is to ensure that the Council and representors have a sufficient period of time to consider whether the policies and proposals in the Core Strategy are now consistent with these statements. The Inspector has deferred further hearing sessions until 30 and 31 May, 2012. These will discuss the Retail Capacity Study and any other matters arising from further representations on the Government's policy statements.

15. Officers anticipate that unless there is the need for further hearing sessions, the Inspector will then prepare his report and recommendations on the Core Strategy and release this to the Council during early July. The Council will need to consider whether any further consultation is required on proposed modifications to the Core Strategy and hold this as soon as possible for a six-week period. Provided no further issues arise, the Council will then be able to formally adopt the Core Strategy in the autumn.

#### vii) Neighbourhood Plans

16. The Government's proposals for Neighbourhood Plans have a stated objective to encourage residents and businesses to set the planning agenda for their immediate local areas. However the NPPF also states at paragraph 184 that Neighbourhood Plans must conform with the strategic needs and policies of the wider local area and must be in general conformity with the strategic policies of the Local Plan. For this reason it stresses the importance of bringing forward local plans as quickly as possible.

17. It goes on to say that neighbourhoods will have the power to promote more development than is set out in the strategic policies of the Local Plan. Paragraph 185 states that once a neighbourhood plan is made and is in general conformity with the Local Plan, the policies it contains take precedence over existing policies in the Local Plan for that neighbourhood, where they are in conflict.

18. The implications of this for Hillingdon are that it will be particularly important for the Council to bring forward other supporting parts of its Local Development Framework once a Core Strategy is adopted in order to have a firm basis for local planning objectives. The Site Allocations, Proposals Map and the Development Management Development Plan Documents will help set out clear local strategic objectives for the borough as a whole, on which later neighbourhood plans can come forward and set out any detailed local emphasis on particular issues.

19. In January 2012 the Cabinet considered the Government's consultation on the draft Neighbourhood Planning Regulations and agreed a consultation response for submission. It

also instructed officers to facilitate four workshops across the borough after the regulations come into force. The Neighbourhood Planning Regulations came into force on 6<sup>th</sup> April 2012 and they set out the procedures by which groups can apply for designation of a neighbourhood area and a neighbourhood forum, as well as proposing neighbourhood development plans. They also include the rules for preparing neighbourhood development plans and neighbourhood development orders. Given the high priority required to get the Site Allocations, Proposals Map and the Development Management Development Plan Documents in place, officers would suggest that the workshops be held in the autumn/winter of 2012.

#### viii) Supplementary Planning Guidance

20. The Framework notes at paragraph 153 that Supplementary Planning Guidance should be used where it can help applicants make successful applications or aid infrastructure delivery. It should not be used to add unnecessarily to the financial burdens on development. In Hillingdon, supplementary guidance such as that covering detailed local building design and access issues have proven to be particularly useful. When using this guidance and when considering bringing forward future guidance in support of the LDF, the Council will need to ensure it meets with the NPPF requirements and does not imply an unnecessary burden on developers.

#### Conclusions

21. Officers remain concerned about the ambiguity of the wording used throughout the Framework and its lack of practical advice to developers, communities and local authorities. The language is often highly subjective, with paragraph 63 providing a good example. This requires Local Authorities to give 'great weight to outstanding or innovative design'. This type of imprecise language is used throughout the document. It will invoke much subjectivity and differing opinions in interpretation, and may result in a return to 'planning by appeal', given the absence of more detailed planning policy requirements and standards.

22. After 27th March 2013 the NPPF states that existing plans will be given weight according to their degree of consistency with the NPPF. In the meantime, there will continue to be full weight given to policies adopted since 2004, even when there may be a limited degree of conflict with the NPPF. The implications of this in Hillingdon are that it will be particularly important for the Council to bring forward its Site Allocations, Proposals Map and the Development Management Development Plan Documents in order to have a firm basis for local planning objectives. These documents are essential to provide a firm basis for neighbourhood plans to come forward and set out any detailed local emphasis on particular issues.

23. Whilst the Government appears to have listened to some of the key concerns of Hillingdon and others and it has incorporated a clearer definition of sustainable development and recognised the value of the natural and built environment, the overriding message in the NPPF is to attach much significance to economic growth and housing issues. The NPPF therefore has a rather split personality because on the one hand it promotes the involvement of local communities in preparing neighbourhood plans in order to 'shape' the development in their areas and on the other hand, it actively encourages growth and economic development. For local councils, this is likely to generate a conflict between attempting to deliver sustainable development with local community support, and delivering economic and housing growth.

24. It is still unclear how the Framework is intended to relate to other national policy statements, e.g. the forthcoming Aviation Framework Document. The Framework purports to be the keystone for national planning policy, and yet it does not state how much growth is to be delivered nationally, where and how, including developments of inter-regional/national importance. Nor does it include policies on items of major infrastructure, such as transport, health and education to guide national infrastructure investment, i.e. to inform investment and spending across Government. Without such spatial strategic policies and guidance, the Framework lacks a clear long term vision.

### **Financial implications**

No direct financial implications arise from the recommendations of this report. As the impact of the framework becomes clearer any emerging financial issues will be tracked through the Council's Medium Term Financial Forecast (MTFF) process.

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The introduction of the new Framework (with the accompanying deletion of existing national planning policies and guidance) forms the overarching national planning context within which Londonwide and borough planning policies operate. It is highly significant for future development in the borough in that it sets the strategic context for drafting future local planning policies and for implementation of existing local policies when determining planning applications.

### **Consultation Carried Out or Required**

There are no external consultations required on the contents of this report.

## **CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and concurs with the financial implications as stated.

### **Legal**

The National Planning Policy Framework ("NPPF") was published and came into effect on the 27 March 2012. It replaces all previous Planning Policy Statements and Planning Policy Guidance documents which are now consolidated into one document, the NPPF.

The NPPF is a material planning consideration and will need to be taken into account when determining all planning applications within the Borough. The London Borough of Hillingdon's emerging Local Plan will also need to conform to the requirements of the NPPF.

## **Corporate Property & Construction**

The Corporate Landlord has reviewed this report and confirms that there are no direct asset or property implications for the Council arising from this recommendation.

## **BACKGROUND PAPERS**

Draft National Planning Policy Framework published by DCLG, 25<sup>th</sup> July 2011

Cabinet report on 29 September, 2011 - Draft National Planning Policy Framework: Response to the Department of Communities & Local Government

National Planning Policy Framework published by DCLG, 27<sup>th</sup> March 2012

Technical Guidance to the National Planning Policy Framework published by DCLG, 27<sup>th</sup> March 2012

## APPENDIX ONE – Summary of Main Policies in the National Planning Policy Framework

Section	Paragraphs	Notes
Introduction	2, 3, 4, 5	Planning law requirements, EU obligations and statutory requirements; travellers sites; waste applications
Achieving Sustainable Development	Blue box below 5, 6, 7,10	Bruntland definition of sustainable development used five guiding principles plus three dimensions to sustainable development: economic, social and environmental; taking local circumstances into account
Presumption in favour of sustainable development	11, 12, 13, 14	<p>Presumption in favour of sustainable development (unless material considerations indicate otherwise) for decision-taking means:</p> <ul style="list-style-type: none"> <li>• approving development proposals that accord with the development plan without delay; and</li> <li>• where the development plan is absent, silent or relevant policies are out of date, granting permission unless: <ul style="list-style-type: none"> <li>- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or</li> <li>- specific policies in the Framework indicate development should be restricted (e.g. Green Belt land)</li> </ul> </li> </ul>
Core planning principles	17	Core principles include: high quality design and amenity; protect Green Belts; encourage use of renewable resources; conserve heritage assets; promote vitality of urban areas; prioritise use of brownfield land; promote mixed use development and sustainable transport
Ensuring the vitality of town centres	24, 25, 26, 27	Sequential test for retail, leisure and office proposals outside town centres. Default threshold for impact assessment is 2,500 sq

Section	Paragraphs	Notes
		ms.  <b>Glossary</b> gives definitions of 'Town Centre', 'Edge of Centre', 'Out of Centre', 'Main Town Centre Uses', 'Primary shopping area' and 'Primary and secondary frontages'
Promoting sustainable transport	32, 34, 35, 36	Para 36 notes the importance of Travel Plans
Supporting high quality communications infrastructure	43, 44, 45, 46	Telecommunications guidance now relies on this short section
Delivering a wide choice of high quality homes	49, 50, 51, 52	Covers mix of housing, size, type, tenure and affordable housing, off-site housing provision and changes of use of former commercial premises to residential use
Requiring good design	58, 60, 61,62, 63, 64, 65, 66, 67, 68	Outdoor advertisements: 67 Area of Special Control Order: 68
Promoting healthy communities	69, 70, 74	Wide-ranging short section covering community/social facilities, safety and access, public realm
Protecting Green Belt land	87, 88, 89, 90, 91	No change from previous policies. Carries through from PPG2
Meeting the challenge of climate change, flooding and coastal change	95, 96, 98, 99, 100, 101, 102, 103, 104	Flood risk assessment, Sequential and Exception Tests for proposals in flood risk zones. See also Technical Guidance to the National Planning Policy Framework, March 2012 which provides additional guidance on development in areas at risk from flooding and in relation to mineral extraction. The guidance retains key elements of PPS 25 as

<b>Section</b>	<b>Paragraphs</b>	<b>Notes</b>
		an interim measure
Conserving and enhancing the natural environment	109, 111, 118, 119, 120, 121, 122, 123, 124, 125	Brownfield land first policy: 111; conserve/enhance biodiversity: 118; development requiring Birds or Habitats Directives assessment: 119; pollution and land instability: 120; noise: 123; air quality: 124; light pollution: 125
Conserving and enhancing the historic environment	128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141	Covers conservation areas, listed buildings, 'heritage assets'
Facilitating the sustainable use of minerals	144, 148, 149	The accompanying technical guidance note issued on flood risk and minerals also needs to be referred to
Local Plans	150	Planning decisions must accord with the development plan – Section 38(6) of the Planning and Compulsory Purchase Act 2004
Using a proportionate evidence base	173	Ensuring viability and deliverability – the economic value of schemes
Decision – taking	186, 187	Again puts emphasis on granting permission where possible, negotiating with applicants to achieve sustainable schemes
Pre-application engagement and front loading	188, 189, 191, 192, 193, 194, 195	Re-iterates need for pre-application discussions plus considering use of planning performance agreements
Determining applications	196, 197, 198	Paragraph 197 re-iterates the presumption in favour of sustainable development

<b>Section</b>	<b>Paragraphs</b>	<b>Notes</b>
Tailoring planning controls to local circumstances	200, 201	Covers Article 4 directions
Planning conditions and obligations	203, 204, 205, 206	Takes forward three of the five original tests for planning obligations
Implementation (Annex 1)	208, 210, 211, 212, 214, 215, 216, 219	The NPPF takes effect from 27 March 2012. This section gives councils 12 months to update their plans and existing policies to be consistent with the NPPF, during which time 'full weight' may be given to relevant policies adopted since 2004, even if there is a limited degree of conflict with the NPPF.