

NPPF and Brownfield land

Kath Lawless

**Head of Development
Management NCC**

July 2012

Overview

- **The new National Planning policy framework**
- **Implications for brownfield development**
- **CIL**
- **Some thoughts**

Background

- **“Planning too complicated, too costly, too uncertain. It discourages investment, creates mistrust and holds back our recovery” (Chamber of Commerce)**
- **Over 1000 pages of guidance-impenetrable**
- **Not responsive to local needs**

The vision

- **To put unprecedented power into the hands of communities to shape places**
- **To better support growth- homes and jobs**
- **To ensure places we cherish are left in a better condition for future generations**

(Gregg Clark 27th March)

NPPF

- **Replaces PPS, PPG etc**
- **Is a material consideration for plan making and decision taking**
- **Does not replace S38 of PCPA- all decisions still need to be made in accordance with Development Plan-taking into account other material considerations**

Sustainable development

“ At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as the golden thread running through both plan making and decision taking” (para 14)

3 principles of sustainable development

- **Economic-support growth by ensuring sufficient land allocated in right locations and right infrastructure provided**
- **Social- support communities by supplying housing and accessible local services- emphasis on good design**
- **Environmental-protect and enhance natural and historic environment and low carbon development**

Local plans

- **Must be consistent with principles of NPPF**
- **Positively seek opportunities to meet development needs**
- **Be based on up to date relevant evidence about economic, social and environmental characteristics of area.**
- **Duty to co-operate**
- **Ensure viability and deliverability (173)**
- **Consultation- reflect a collective vision**

Decision taking

- **Look for solutions not problems**
- **Emphasis on pre application discussions-
community consultation**
- **Increase use of LDOs and limit use of Article
4 directions ie less beaurocracy**
- **Only request information that is relevant
necessary and material to the application**
- **Again emphasis on viability and ‘competitive
returns’ (173)**

Transitional arrangements

- **Give full weight to relevant policies adopted post 2004 for 12 months even if limited conflict with NPPF (214)**
- **Weight to relevant policies according to degree of consistency with NPPF for 12 months**
- **Weight to emerging policy**
- **Where development plan is absent or silent or policy out of date permission should be granted unless harm would outweigh benefits when assessed against NPPF (14)**

Brownfield

- **Core principle to “encourage the effective use of land that has been previously developed provided that it is not of high environmental value”**
- **“ planning policies should avoid long term protection of sites allocated for employment use where no reasonable prospect of delivery- let market decide (22)**
- **Identify 5 year supply of housing on deliverable sites with 5% buffer- 20% where persistent underdelivery (47)**
- **Minimise pollution and other adverse effects. Plans should allocate land with least environmental value- local targets for use of brownfield land (111)**

CIL

- **Most authorities working on their charging schedules now**
- **Some areas will be excluded from CIL due to viability**
- **Provides certainty but viability set upfront and no room to negotiate**

Some thoughts

- **Critical to have up to date development plan**
- **Early engagement and collaborative working is key**
- **Early engagement with key consultees**
- **Getting CIL levels right**
- **Information required should be proportionate – see streamlining info on planning applications consultation**
- **Conditions- discuss early**