

National Planning Policy Framework

Quick guide 363_12

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What's this document about?

This document sets out the key messages and planning policy hooks within the [National Planning Policy Framework](#) (NPPF).

Use this document to support our position in response to planning consultations from local planning authorities (LPAs), developers, government departments and agencies.

The NPPF only sets national planning policy for England.

The NPPF does not include planning policy for nationally significant infrastructure projects – this is in National Policy Statements.



Document details



Related documents

Who does this apply to?

All area and regional staff who are involved with, and respond on behalf of the Environment Agency to, planning consultations.

Primarily, this will be Area Planning Liaison¹ (PL) teams who respond to planning applications and/or Local Plan consultations from LPAs, or consultations from the Marine Management Organisation.

Functional teams who, as part of the internal consultation process provide technical input to area PL teams, may also find this document useful.

Although the NPPF only sets out planning policy for England, PL colleagues in Wales will need to be aware of it in light of the duty on LPAs to cooperate across local authority boundaries.



Feedback

Note for external readers

This document is primarily aimed at Environment Agency staff. As such, some of the hyperlinks will not work for external readers. If you need access to the linked content, please contact your local Planning Liaison team.

Contact for queries

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¹ From 1 June 2012 Planning Liaison teams will be known as Sustainable Places teams.

Introduction

The NPPF is a key part of the Government's reforms to make the planning system less complex, more accessible and to promote sustainable development. It replaces most of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).

The NPPF concentrates on high level national economic, environmental and social planning policy; avoiding prescriptive guidance. However, some interim [technical guidance](#) on flood risk and minerals has been published alongside the NPPF and Practice Guides have not been cancelled.

The NPPF constitutes guidance for LPAs in preparing Local Plans and taking development management decisions. The NPPF re-affirms that planning applications:

"must be determined in accordance with the development plan unless material considerations indicate otherwise" (Para 11).

The NPPF doesn't change the statutory status of the development plan as the starting point for planning decisions.

Development proposals that are in line with Local Plan policies should be approved; those that conflict should be refused unless material considerations indicate otherwise.

The Environment Agency's role in planning

We are a statutory consultee to LPAs for several types of planning application related to our statutory roles on flood risk, protection of land and water quality, waste regulation and fisheries.

We are a 'specific consultation body' for the preparation of development plan documents.

We are a statutory consultation body for Strategic Environmental Assessment and Environmental Impact Assessments.

We are a statutory consultee for applications for development consent orders relating to nationally significant infrastructure projects.

The NPPF doesn't change our role as a consultee and advisor in the planning process.

Fundamentals to deliver positive planning

Presumption in favour of sustainable development

The underlying principle in the NPPF is a new presumption in favour of sustainable development (Para 14) promoting positive planning, where LPAs should approve without delay proposals that accord with the development plan.

The NPPF restates the [5 principles in the Sustainable Development Strategy](#) and emphasises that the role of the planning system is to promote sustainable development. It recognises that:

"to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system" (Para 8).

Local Plans are the starting point for decision making and *"must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development"* (Para 151).

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Presumption in favour of sustainable development, continued

The NPPF constitutes 'guidance' for LPAs and decision makers in both drawing up plans and as a material consideration in determining applications.

For plan making this means Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

- *“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*
- *specific policies in this Framework indicate development should be restricted” (Para 14).*

For development management, this means approving proposals that accord with the development plan without delay unless:

- *“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*
- *specific policies in this Framework indicate development should be restricted” (Para 14).*

The 'restricted' policy areas include sites protected under the Birds and Habitats Directive, designated sites, including Green Belt, Sites of Special Scientific Interest (SSSIs) and Areas of Outstanding Natural Beauty (AONB), as well as locations at risk of flooding or coastal erosion (footnote 9).

The presumption is quoted in a number of places (Paras 15, 16, 49, 197) to emphasise the need for development plans and decisions to follow the approach of the presumption in favour of sustainable development. The only named exception (Para 119) is where development is likely to have a significant effect on sites protected under the Birds or Habitats Directive.

The application of the presumption is likely to be tested through appeals and legal challenges.

Proportionate evidence base

In addition to the presumption in favour of sustainable development the NPPF is clear that Local Plans should be:

“based on adequate up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area” (Para 158).

River Basin Management Plans are specifically mentioned as 'evidence' to base policies on (Para 165). Shoreline Management Plans should inform the evidence base in coastal areas (Para 168).

A set of core land-use planning principles should underpin plan-making and development management decisions (Para 17).

With the lack of prescriptive guidance in the NPPF, Local Plans will have a pivotal role in delivering national policy at the local level. Policies in Local Plans need to be supported with up-to-date evidence, as will objections to development proposals or requests for planning conditions.

Environmental assessment and sustainability appraisal, which meets the requirements of the SEA Directive, should be an integral part of the plan making process (Paras 165 and 166).

Duty to Cooperate

The [Localism Act](#) creates a new 'duty to co-operate'. This places a statutory obligation on local authorities and public bodies (including ourselves) to work together on planning for sustainable development across administrative boundaries (Paras 178-181).

The duty aims to deliver effective cross-boundary planning on strategic priorities such as infrastructure for waste management, water supply, wastewater, flood risk and coastal management, climate change mitigation and adaptation and the conservation/enhancement of the natural environment. Paragraph 156 of the NPPF sets out the strategic priorities where co-operation may be needed.

LPA's should work with Local Enterprise Partnerships and Local Nature Partnerships when developing strategic planning priorities and preparing Local Plans. Para 180 of the NPPF refers to the need for LPA's to also work collaboratively with private sector bodies, utility and infrastructure providers.

Delivering catchment-wide Water Framework Directive (WFD) objectives will need cross-boundary planning to resolve land use issues that are currently preventing good ecological status (potential) being achieved.

LPA's will be expected to have demonstrated evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination (Paras 181 and 182).

Transitional Arrangements

For a period of 12 months from the 27th March 2012, full weight can be given to relevant policies in development plan documents adopted since 2004, when planning applications are determined. This applies even if there is an element of conflict with the NPPF (Para 214).

After this 12 month period, and in other cases (e.g. where policies from old-style Local Plans have been 'saved'), due weight should be given to policies in development plans that accord with the NPPF. The closer the policies in the development plan are to the policies in the NPPF the more weight they will be given (Para 215). Further [guidance](#) on this issue can be found on the Planning Advisory Service's web site.

For policies in emerging Local Plans, due weight can be given to these according to the stage of preparation of the plan, the extent to which objections made to relevant policies remain unresolved and the degree of consistency with the NPPF (Para 216).

Guidance on flood risk contained within [technical guidance](#) which accompanies the NPPF is an interim measure pending a wider review of guidance to support planning policy.

NPPF policy relevant to us

Can the NPPF help deliver our priorities?

The planning system can help us to deliver our corporate strategy and secure environmental outcomes.

The NPPF contains high level policies that PL and functional teams can use to advise local planning authorities and developers.

Flood Risk and Coastal Change

Flood risk and coastal change policies can be found in paragraphs 94, 100-108, with technical guidance setting out how these policies should be implemented contained in the [Technical Guidance to the National Planning Policy Framework](#).

Government policy is that:

“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere” (Para 100).

Local Plans

“should be supported by strategic flood risk assessment and develop policies to manage flood risk, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards” (Para 100).

The NPPF retains the Sequential and Exception Tests. In drawing up Local Plans, LPAs:

“should apply a sequential, risk based approach to the location of development” (Para 100).

Planning applications in flood risk areas should be supported by a site-specific flood risk assessment. This should demonstrate that the development is safe, doesn't lead to increased flood risk elsewhere, ensures that any residual risk is appropriately managed and gives priority to the use of SuDS (Para 103).

Further guidance on dealing with planning applications in flood risk areas can be found in the [technical guidance](#) issued alongside the NPPF and our [NPPF FCRM quick guide](#).

Fisheries and Biodiversity

Policies on the natural environment can be found in paragraphs 109-125.

The overall objective is that:

“the planning system should contribute to and enhance the natural and local environment” (Para 109).

The NPPF also reflects the [Natural Environment White Paper](#) that to contribute to sustainable development, planning should help to move from a state of net loss in biodiversity to achieving net gains for nature (Para 9) and recognise the wider benefits of ecosystem services (Para 109).

In preparing development plans, LPAs should:

“set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged” (Para 113)

Planning policies should plan for biodiversity across local authority boundaries. They should identify and map local ecological networks and promote the preservation, restoration and re-creation of priority habitats (Para 117).

When determining planning applications:

“local planning authorities should aim to conserve and enhance biodiversity”.

Where significant harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused (Para 118).

Surface Water, Groundwater Quality and Contaminated Land

Within the Government's policy objectives for the natural environment there is a need for the planning system to contribute to and enhance the natural and local environment. One of the ways it should do this is by

"preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability" and "remediating...contaminated land, where appropriate" (Para 109).

The NPPF encourages the development of 'brownfield' land, provided that it is not of high environmental value (Para 111).

In developing Local Plans and determining planning applications LPAs should ensure that new development is appropriate for its location having regard to the effects of pollution on health and the wider environment. In doing this, LPAs should take account of ground conditions, pollution from previous uses and proposals for land remediation. It also confirms that it is the developer / landowners' responsibility for securing a safe development on contaminated land (Para 120).

As a minimum, development proposals should ensure that in the future land will not be designated as contaminated land under Part IIA of the Environmental Protection Act 1990 (Para 121).

Water Resources

Water is a precious resource and the planning system should ensure that its use in new development is sustainable. The NPPF recognises that water resources need to be planned strategically (Para 156).

In assessing future infrastructure requirements LPAs should, in discussion with other authorities and service providers, assess the quality and capacity of water supplies (Para 162). They should then develop strategic policies in their Local Plan that demonstrate how the provision of infrastructure should be delivered (Para 157).

Design codes to promote high quality designs, which could potentially include water efficiency, could be developed for use in development management (Para 59). However, these would need to be justified with evidence and not threaten the financial viability of development.

Climate Change - Adaptation and Mitigation

The planning system has an important role to play in helping to adapt to a range of impacts resulting from climate change.

Planning policies should aim to:

"use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change" (Para 7).

The planning system should also aim to:

"minimise vulnerability and provide resilience to the impacts from climate change" (Para 93).

New development should:

"be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure." (Para 99)

LPAs shouldn't identify new sites or propose the extension of existing sites for peat extraction and planning applications shouldn't be granted for peat extraction from new or extended sites (Para 143 & 144).

The Government recognises that in planning for prosperity adequate infrastructure needs to be provided (Para 7) and the Local Plan has a crucial role in this (Para 157).

To meet the Government's objective of a healthy natural environment LPAs should be:

"planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure"
(Para 114).

Areas of particular local importance or significance that help deliver this objective can be designated as Local Green Space in Local Plans. These areas will then have the same protection as green belt (Para 76-78).

In addition to the biodiversity benefits, green infrastructure has an important role to play in helping manage risks to developments proposed in areas that are vulnerable to climate change (Para 99).

The Community Infrastructure Levy (CIL) is seen by Government as a key way to fund new infrastructure and unlock land for growth. The NPPF states that CIL charges should be worked up and tested alongside the Local Plan (Para 175). We need to work with LPAs to identify where infrastructure improvement is required to deliver sustainable development.

Related documents

Links

[National Planning Policy Framework](#)

[Technical Guidance to the National Planning Policy Framework.](#)

[A Plain English Guide to the Localism Act – Update](#)

[Overview of the Community Infrastructure Levy produced by Communities and Local Government](#)

[Advice and guidance on the Community Infrastructure Levy, including FAQs, produce by the Planning Advisory Service](#)

[Advice produced by The Planning Inspectorate for use by Inspectors: National Planning Policy Framework](#)

[Advice from the Planning Advisory Service on transitional arrangements and status of Government documents](#)
