

Community Guide to Retail Planning

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Compiled by the Town and Country Planning Association (TCPA)

for

Tescopoly

TESCOPOLY

Every little hurts

Community Guide to Retail Planning

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Planning and You

Why should we care about planning?

The planning system offers you and your community a real opportunity to shape your town centres. It's the key way that decisions are taken on new development. When it works well it can offer genuine public participation and help deliver better places, as well as ensure the diversity and viability of our communities.

This briefing provides an overview of some of the key changes to the system and how they impact on planning for town centres. **Part 1** provides an overview of the new system and retail policy in the NPPF. **Part 2** provides guidance on the local plan and neighbourhood planning process. **Part 3** provides a quick guide to responding to planning applications.

What planning can not do

Planning is great tool for communities but it has its limits and in particular it has limited impact on direct competition issues. Planning only kicks in when there is a new development or change of use that needs permission - so it's possible for one operator to buy up a number of shops in a town centre and there's not much we can do unless they need to change the buildings. Planning can also only work where it's supported by coordinated investment and management of town centres by the council, the community and business.

Haven't got time to read the rest so what are the top two key points?

1. **Get involved in your local plan** – The local plan sets out a vision for the future development of your area and covers a 15-year plan period, and can be reviewed when necessary. Once finalised, it is the basis on which planning decisions are made. Many community and campaign groups are short of time and money and responding to planning applications can wear people down. That's why it is more cost effective to influence the Local plan with a strong visionary policy for your town centre or market than it is to fight every individual planning application that comes your way. Getting the right plan in place sends a clear signal to developers about what is acceptable and is the first and most important test for planning applications.
2. **Help get your local plan adopted quick!**
The local plan is key, but the new planning reform measures mean that where plans are out of date a powerful presumption in favour of sustainable development kicks in. While applications have to be judged against the National Planning Policy Framework (NPPF) there is a risk that poor quality development can happen which the community does not want. That's why it's vital for your council to put in place an up to date plan or review the existing plan to ensure it's in line with the NPPF.

Part 1. Planning Reform and You

The English planning system has changed radically over the last year with a major shift to local and neighbourhood levels through the Localism Act 2011. The main focus of responsibility is now the local planning authorities' Local Plan with significant new opportunities for neighbourhood planning. The government has now published the National Planning Policy Framework (NPPF) which emphasises both the role of the plan led system and the presumption in favour of sustainable development.

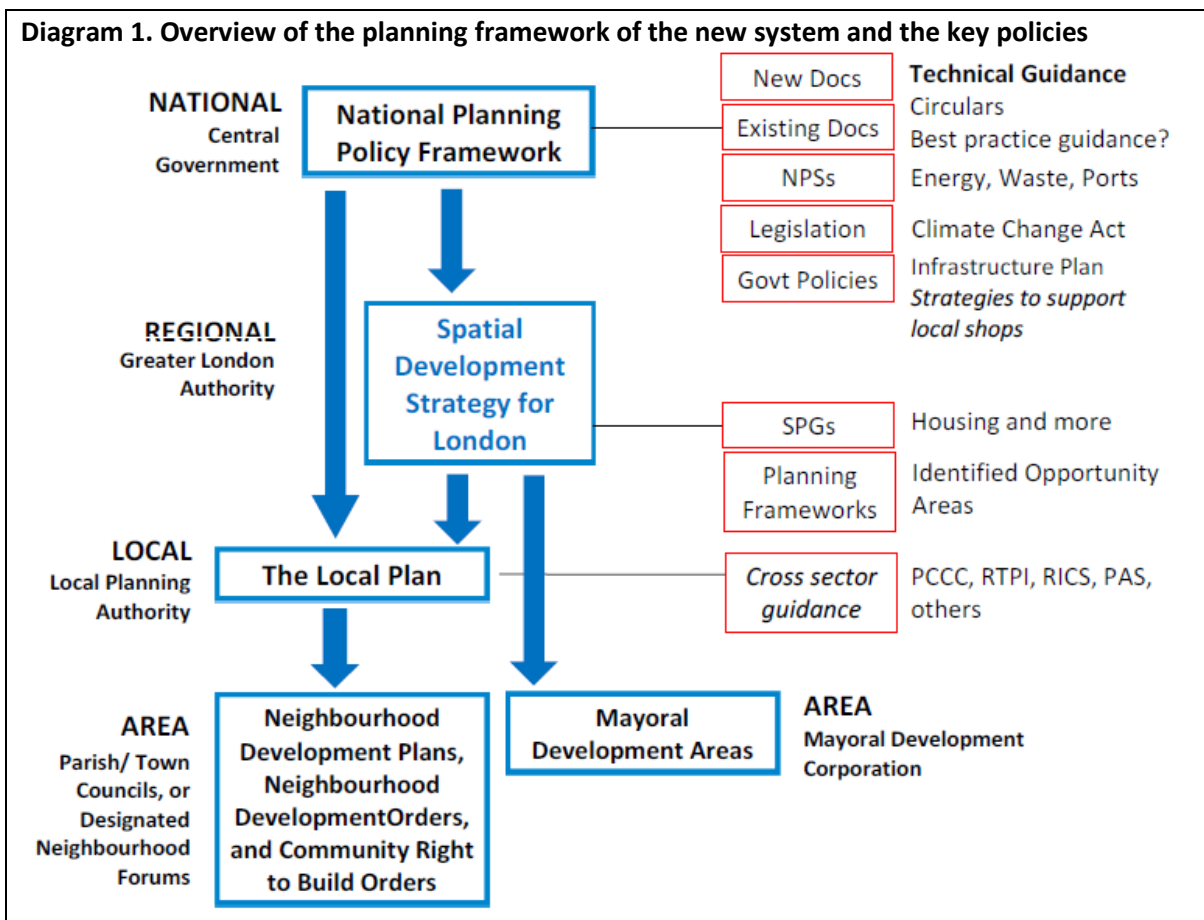
How does The Localism Act change the planning system?

The Localism Act 2011 does what it says on the tin by 'taking power away from officials and putting it into the hands of those who know most about their neighbourhood - local people themselves'. It has brought about changes at all levels of planning.

- **Strategic level** – the regional tier of planning is replaced with a new 'Duty to Cooperate' in relation to the planning of the sustainable development of land. Local Enterprise Partnerships (LEPs) can also play a role in developing plans.
- **Local level** – the basic structure of local planning remains intact but the content of Local Plans are shaped by the content of the National Planning Policy Framework.
- **Neighbourhood level** - the Act introduced a neighbourhood planning process, including Neighbourhood Development Plans and Neighbourhood Development Orders.

So a much easier system to understand?

Well maybe, but while much of the reform process has been focused on reducing planning regulation and guidance, it is still pretty complex. Diagram 1 illustrates the range of policy from other government departments which is capable of being material to decisions.



Why is London Special?

The first thing to say about this new structure is that London's planning system is now different to the rest of England. The capital retains its strategic scale planning in the London Plan and the Mayor has extensive planning, housing and regeneration powers. In addition to the neighbourhood planning level, the Mayor can also designate special development areas.

What about Scotland and Wales?

The planning systems in Wales and Scotland are different and subject to different planning legislation. However the similarity is that they are all based on the development plan of the area and refer to policy guidance from the planning departments of the devolved administrations. For example in Wales, national policy refers to Planning Policy Wales and Technical Advice Notes, and in Scotland, it is the Scottish Planning Policy.

What are the Legal Duties on local planning and why are they important to my retail case?

Planning legislation creates three important duties, which apply to the outcomes of planning:

1. Section 39 of the 2004 Planning and Compulsory Purchase Act requires LPAs exercise their plan making function *'with the objective of contributing to the achievement of sustainable development'*. In exercising this function they *'must have regard to national policies and advice contained in guidance'* issued by the Secretary of State. The NPPF is the key guidance document for this duty.
2. The duty in Section 19 of the 2004 Act as amended by the 2008 Planning Act requires Local Authorities to ensure that, taken as a whole, plan policy contributes to the mitigation and adaptation to climate change. This is a powerful outcome-focused duty on local planning and signals the clear priority to be given to climate change in the plan making process.
3. The same amendment to Section 19 of the 2004 Act also places an obligation on local authorities to promote good design.

It's always worth quoting these duties when you're talking to your authority about a new local or neighbourhood plan because they are legal requirements rather than national policy. The duty on climate mitigation can support calls for renewable energy or sustainable low carbon transport¹.

What is the Duty to Cooperate and why should we care about it?

Nearly all aspects of a successful local planning approach will require work to be carried out across local authority boundaries, which was what regional plans used to do. Under the old system major out of town regional shopping centres had to be agreed among all the authorities working at a regional level. Now, in theory, one council could decide to go down this route and a neighbouring council will have less say over the impacts.

The Duty to Cooperate is intended to fill the gap and requires local planning authorities to cooperate strategically on plan making issues that cross administrative borders². Cooperation must be a continuous and meaningful process and evidence of cooperation is crucial to passing the soundness test at the examination of a local plan. Ultimately though the Duty is to cooperate is not a duty to agree.

The NPPF and Retail planning

The NPPF sets out the key national planning priorities for England and replaces Planning Policy Statements (PPS) and some circulars³. PPSs often had 'companion guides' and if not listed in the NPPF's Annex 3, these other documents are still Government policy, in particular the CLG Plan-

¹ It's worth bearing in mind that they apply to plan making and not the consideration of planning applications.

² NPPF's paragraphs 178-181 give further guidance on the Duty

³ Annex 3 of the NPPF sets out a full list of revoked policy documents.

Making Manual. But 'Planning for Town Centres: Practice guidance on need, impact and the sequential approach', supplementary to the old PPS4 may still be useful as a reference document.

If all decisions are local why should I take any notice of the NPPF?

The legal status of the NPPF is that of government guidance which is capable of being a material consideration in all forms of planning decision making. It gains added weight in plan making inquiries and appeal by being the key test of government policy. Like the case law which emerged on PPSs, it is perfectly lawful to set aside the provision of the NPPF so long as there are compelling and rational planning reasons to do so.

What are the key messages of the NPPF?

The NPPF **reinforces the plan-led system** as the key way to deliver sustainable development over the long term. Overall it prioritises economic growth but it also makes clear that we need to **promote the vitality of town centres** as well as valuing the natural environment and tackling climate change. There is also a strong emphasis on engagement with communities.

The presumption in favour of sustainable development is an operational principle for plan-making and development management. This golden thread reinforces the need for positive evidence-based plans, which objectively meet the development needs of their communities, unless to do so would result in significant or demonstrable harm or conflict with the objectives of the NPPF. Where plans are 'out-of-date, absent or silent' proposals must comply with the policy in the NPPF. Paragraph 14 of the NPPF distils the key decision making approach for the planning system.

So how is Sustainable Development defined in the NPPF?

That is not an easy question to answer. The NPPF makes clear that sustainable development (SD) is the key purpose of planning and usefully sets out the 2005 UK strategy definition. This purpose translates into a concern to see economic, social and environmental progress in an integrated way. Paragraph 150 and 151 reinforce the need to contribute to SD in plan making. Paragraph 150 makes clear that SD can be defined locally. This might seem like common sense but SD has a full definition in UK Strategy and while this can be applied locally it shouldn't be re-written.

So is the Presumption in favour of SD just a licence for developers to do what they like?

No, but it might make your case against a development harder if you don't have an up to date local plan on your side. Here is a summary of what we think it means:

- You should have objective evidence for the development needs of your area including future retail trends,
- These needs should be met in plan policy taking into account the NPPF and local aspirations unless to do so would clearly be harmful,
- Applications that accord with the plan should be approved unless material considerations indicate otherwise,
- Where these needs are not met, like retail or housing, or you don't have a plan you should grant planning permission unless the adverse impacts would 'significantly and demonstrably' outweigh the benefits.

What does NPPF say about retail policy?

The NPPF clearly prioritises the importance of town centres including retail, leisure and commercial activity. The key text of the NPPF is set in Annex 3 of this guide but the headlines are:

- Local authorities should have positive plans for town centres which set out vision over the long term.
- Policy should be flexible but support the vitality and viability of centres
- Plans should clearly define a hierarchy of centres
- Policy should sustain and encourage open markets and the 'individuality' of centres

- Site allocation should favour in town locations then edge of town sites that are well connected and the plan should consider expanding the centre where development cannot be met.
- Set criteria for dealing with applications which cannot be accommodated in or adjacent to town centres.

The sequential approach remains vital in determining locations not identified in the plan. In short applications must demonstrate that there isn't a better in town or edge of town site before proposing an out of town option. Developments over 2500 sq m need to submit an impact statement showing the effect on the vitality and viability of the local town centre. It does not prohibit out of town development but it does make clear that development not in accordance with the plan will need to provide an impact assessment

Sequential test case study: Sainsbury in Erdington, Birmingham⁴

Birmingham's planning committee approved an application for an edge-of-centre supermarket in April 2012. Questions arose as to whether it properly executed a sequential test for a town-centre location in accordance with the NPPF. The decision may attract legal action for not giving weight to the NPPF's stringent town-centre-first policy.

The sequential approach remains key to determining applications which are not identified in the plan. In short, applications must demonstrate that there isn't a better in town or edge of town site before looking at out of town options. For applications not identified in the local plan applicants will need to submit an impact assessment where the development is over 2,500 sq m. Taken as whole and with other NPPF policy on climate change and transport this provides a strong platform to argue the case locally for a town centre first policy. It provides hooks to develop innovative new ways of meeting demand through markets.

The sting in the tail - Viability testing

The NPPF makes clear that viability and deliverability of development are key tests of all aspects of decision making. Paragraph 174 requires local authorities to assess the cumulative burden of local requirements and plan policy. Crucially the burden should not be such as to deny '*competitive returns to a willing landowners and willing developers*' (Para 173).

There is, as yet, no detailed guidance on how to conduct these assessments, which for plan making will be complex and time consuming. The Royal Institution of Chartered Surveyors (RICS) are in the process of preparing guidance but there is as yet no consensus as to how much weight the private sector should have in any final judgment. Fears have been expressed that the test could be used as an effective veto on a local community's aspirations, for example for a new retail unit to incorporate sustainable construction techniques. This issue is likely to be a source of significant dispute and cost in the new plan preparation process.

Call-in Powers

The Secretary of State has 'call-in' powers, meaning the Secretary can direct the application for his/her approval. In general, these are cases when the application has national importance or is particularly controversial. A supermarket or retail planning application is unlikely to be the type of application to be called in. There is a current campaign in North Yorkshire to persuade the Secretary to State to exercise the call-in power for a large proposed supermarket,⁵ although on

⁴ www.planningresource.co.uk/news/1129797/Legal-threat-store-plans/?DCMP=ILC-SEARCH

⁵ www.telegraph.co.uk/earth/hands-off-our-land/9249139/Market-town-claims-supermarket-plans-will-bleed-town-dry.html

12th June the Sec of State said he would not intervene. Given the government's emphasis on local decision making, it is unlikely the Secretary of State will intervene on retail applications.

Part 2. Local and neighbourhood planning

What is the Local Plan?

The local plan sets out what goes where in your local authority areas. If you live in a Shire County it is normally the District Council who deals with retail planning. In London, it is the London Borough as well as the Mayor of London through the strategic London Plan. The local plan comes with a map and policy and allocates sites for new development based on assessments of future needs and environmental impacts.

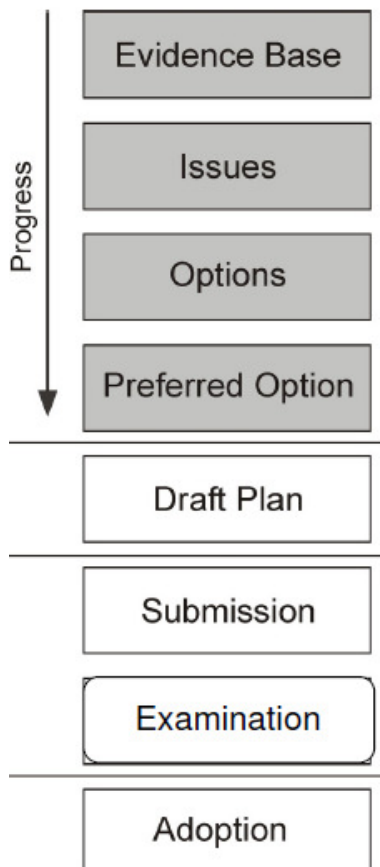
Who prepares it?

Planning officers prepare the plan in consultation with stakeholders and local communities. Local plans will undergo a public examination by a government inspector before final adoption by the local council.

What rights do you have to be involved?

The local council must consult residents, which may include leaflets as well as events. The council's web site will be a key source of information and documents. You have a right to object to a draft plan and a right to be heard at the examination in public which tests the plan in front of a planning inspector. You must make a written objection first and ask to appear at the inquiry.

What does the plan making process look like?



What is neighbourhood planning?

Neighbourhood planning consists of a group of measures including neighbourhood development plans (NDPs), community right to build orders and neighbourhood development orders (NDOs) which give communities new powers to shape their local areas. On the up side these offer a real chance to get community aspirations into a powerful development plan. On down side the process is costly and complex and NDPs must be in general conformity with both the council's local plan and the NPPF. They are certainly worth exploring and could be ideal for enhancing high standards of design and access into town centres. NDOs are even more significant because once designated they remove the need to apply for planning permission so long as the development complies with the order.

Who prepares a Neighbourhood Development Plan (NDP)?

The NDP can only be drawn up by a Parish or Town council where they exist. In areas without parishes (some 65% of the population), 'Neighbourhood Forums' will be the neighborhood planning body. The Localism Act states that a 'Neighbourhood Forum' must have a minimum of **twenty one** people and must pass a series of tests before becoming a qualifying body. Forums can be business-led. An NDP is ultimately adopted by the local authority as part of the development plan. The local authority doesn't have to adopt it if the NDP is not in general conformity with its own plan.

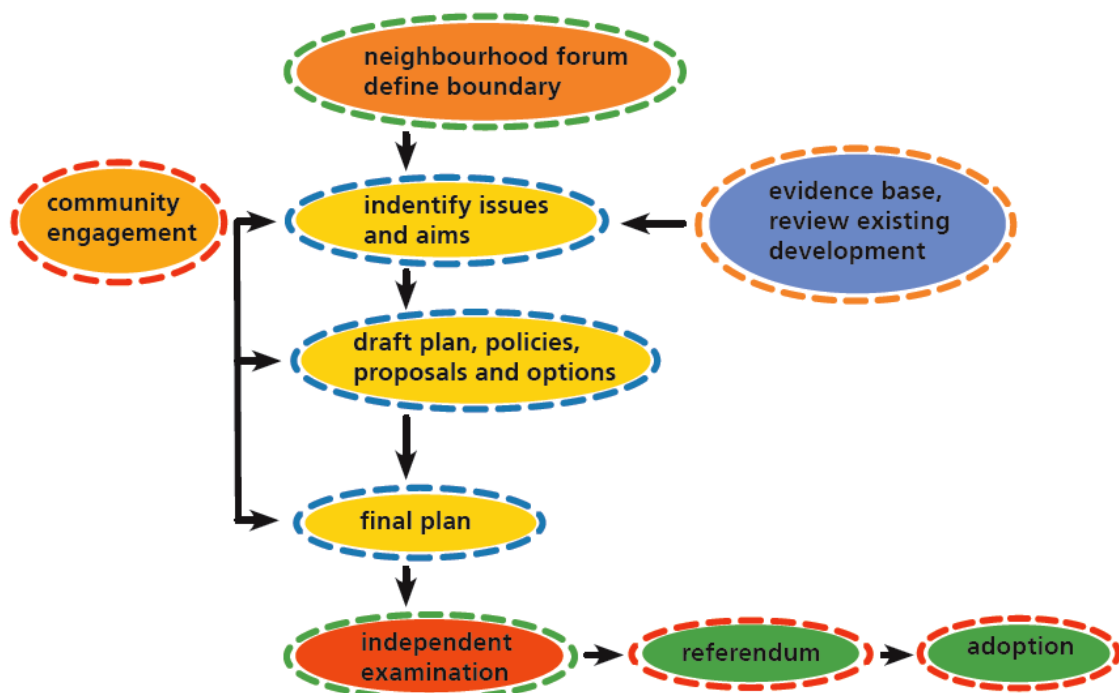
So I can use an NDP to stop a supermarket development?

You can't rule out a form of development in a NDP. You can positively plan to protect valued local assets like green space and promote the vitality of distinct shopping centres.

Who pays for it?

The Government provides some money to local councils to pay for the referendum but significant cost will still fall on the parish council or neighbourhood forum. Following the Portas Review, the government has announced a £1million fund to improve local high streets and supports the creation of 'town teams' designed to strengthen the vitality and liveliness of town centres.

What's the process?



Source: See Urban Vision, Quick Guide to Neighbourhood Planning

Top 5 tips on local and neighbourhood plan making

Tip 1. Love your planners

Don't start out by seeing planners as your enemy. Do your best to build a strong positive relationship with them during the plan making process. You'll get more out of them by remaining friendly.

Tip 2. Talk to your politicians

Final decisions on what shape your local plan will have are made by your elected councillors. A strong relationship with them is vital and you can support their advocacy of the importance of town centres.

Tip 3. Be positive

If you don't like the plan policy you can object but the planning inspector will want to see evidence that you have positive alternatives to offer.

Tip 4. Use local knowledge and evidence

The NPPF places great emphasis on getting a good evidence base for plan making. If there are disputes about the impact of a proposed retail proposal then make sure you support your case with clear evidence. This doesn't have to be expensive and might be based on traffic surveys or shop vacancy rates.

Tip 5. Don't be worried by the Examination in Public

The examination in public can look daunting but it's not a court of law and you should feel confident in representing your views. You may be asked questions by the inspector and other parties. It's worth remembering that if you don't go, the supermarket operators will have an easier ride.

What are the transitional arrangements

The government has set out some guidance in the NPPF as to how we move from the old Local Development Framework (LDF) system to the new Local and neighbourhood planning system. These include how long authorities have got to change their plan to make them compatible with the policy in the NPPF. These guidelines are very complicated but they are especially important because if your plan is old or not in conformity with NPPF then the presumption in favour of development kicks in. In many cases it will be for planning inspectors to judge whether your plan is in 'conformity' with the NPPF.

The key headlines are:

- If you have a plan adopted before the 2004 planning act you have a big problem and the NPPF may become the key policy for decisions
- If you have an LDF adopted after the 2004 planning act you're in a better position so long as the plan does not depart too much from the NPPF policy, for example on housing numbers. Even these relatively new plans will have to assess and review policy to ensure they are in line with the NPPF by March 2013.

Yes we are all confused about this!⁶ So keep referring to the advice of the Planning Inspectorate on www.planningportal.gov.uk/planning/appeals/planninginspectorate.

⁶ The Planning Inspectorate and PAS have both provided useful guidance on transitional arrangements and judging conformity with the NPPF⁶ but the uncertainty in the system remains and will lead to dispute and challenge.

Part 3. Responding to planning applications and planning decisions

Anyone who wants to develop land needs to submit a planning application to the local planning authority. The council's decision process for a typical planning application looks like this:



What are my rights to be consulted?

You have a right to be consulted on planning applications if you live next to the site. The council must publicise applications in a local paper, with site notices and on their web site. The consultation period is three weeks but you can submit objections and evidence right up to day of the committee although the sooner the better. The council has 8 weeks to determine a normal application and 16 weeks for more complex cases that involve an environmental impact assessment to be undertaken.

How do I deal with retail and environmental Impact assessments?

A **Retail Impact Assessment** is required for all retail and leisure developments over 2,500 square metres gross floor space and may be required for smaller developments such as those likely to have a significant impact on smaller centres. It should be provided by the applicant for any planning application for a retail use which would be in an edge of centre or out of centre location and are not in accordance with the local plan. A Local Authority will undertake a **Retail Assessment** as evidence to underpin the retail and town centres policies in the local plan. Each Local Authority should have a webpage providing more information.

An **Environmental Impact Assessment (EIA)** is generally required for developments that could potentially cause significant environmental impacts. It will fall to local planning authorities in the first instance to consider whether a proposed development requires an EIA. Depending on the size, the location, and the extent of associated infrastructure (e.g. new roads), an EIA might not be required for a supermarket. The more 'sensitive' the location – for instance, in Areas of Outstanding Natural Beauty and other protected areas – the more likely an EIA will be required. Although developers can decide for themselves if a planning application requires an EIA, they often consult with the LPA beforehand. The assessment is conducted by the developer.

There are three main criteria for determining if a development requires an EIA:

- Characteristics of development: Including size, production of waste, pollution, and nuisances.

- Location of Development: Some areas mentioned in the law include coastal zones, densely populated areas, and places with historical or cultural significance.
- Potential significant impacts: including extent, magnitude, probability, duration, and reversibility.

For big retail schemes you can get swamped by environmental and retail impact assessments which the developer must submit. Don't be put off. Local knowledge can often go a long way to reveal inaccuracies in any impact assessment. There is often a great deal of local expertise in the community on differing aspects of development like transport or wildlife and dividing up the task makes it more manageable.

Preparing an objection letter

3 Top tips for writing an objection letter

Tip 1. Be focused

The biggest mistake campaigners make is to try and write about all aspects of the impact of an application in a long submission. It's much more effective to decide your top three big issues and make a clear case supported by evidence of the impacts. A concise 10 or 12 page submission is harder to write than a fifty-page submission but it's likely to be more effective. Make sure you have a good summary for the politician.

Tip 2. Back up your arguments with national and local policy

Make sure you link your arguments to policy to support your case. Heartfelt letters of objection which don't mention why the application is in breach of the National Planning Policy Framework or the local plan policy will not be given much weight.

Therefore you should refer to the relevant policies in the new National Planning Policy Framework, specifically to the town centre policy in Section 2. You should also make references to local planning policies by looking at the local plan. Depending on the council, this can be the Core Strategy, the Unitary Development Plan and other supplementary policy documents. There is no prescribed format or types of policies for local plans, but you may wish to start with the overall vision and strategic objectives, then work your way to the economic development, town centre and retail sections.

Tip 3. Use planning arguments

There's no precise definition of what is and is not a planning argument and often it's down to the language you use. For example a letter of objection on the grounds that you walk your dog on the site may not be treated very seriously. A letter which says your amenity will be affected will carry more weight even though it amounts to the same thing.

What policies should I be identifying?

The starting point is that planning applications must be determined in accordance with the local plan and the NPPF as a material consideration. The presumption in favour of sustainable development will also apply but its weight will depend on whether the Local Authority has an up to date local plan or not. The policies to reference from the NPPF will be from Section 2: Ensuring the vitality of town centres (the policies are included at the end of Annex 1 of this briefing).

Also, as the Regional Strategies have not been revoked yet, their policies will still be relevant. Such regional policies could be on for example:

- Principal Towns
- Location of Development

- Coast Sub Area Policy
- Safeguarding Employment Land
- Town centres
- Energy
- Sustainable transport

In local plan, relevant policies could include those on:

- Major Shopping Development
- Safeguarding Existing Employment Areas
- Protection of Open Countryside
- Road and Rail Approaches to Resort Towns
- Design of New Development
- Extensions and Alterations to Existing Buildings
- The Protection of Significant Views
- Development Affecting Hedgerows and Trees
- Protection of Residential Amenity
- Open Space Provision within New Residential Developments

What can be considered material consideration?

Following on from the previous point, the NPPF policies are a material consideration in deciding planning applications. However there will be others depending on the nature of the development, and these will include (but not an exhaustive list):

- Highways/Traffic implications
- Landscape/Visual impacts
- Loss of Employment Land
- Effect on setting of Listed Building
- Noise impacts
- Financial considerations (introduced by the Localism Act), such as Section 106 contributions and other financial costs and benefits.

What do you do when you have identified relevant policies and material considerations?

In your letter of objection or support, you should outline the reasoning for why each of the relevant policies is a material consideration in deciding the planning application. Remember to always reference the policies and any other studies or assessments as evidence to back up your case.

Who do I send of letter of objection or support to?

Your **main objection/ support letter** should be addressed to the Case Officer, quoting the planning application number. The broad content of that letter has to be included in the Planning Officer's Report.

How is the application decided?

The Council planning officers and planning committee will consider the application to see if it complies with local planning documents that relate to that specific site and to the policy in the NPPF. Many Planning Committee Members have limited knowledge of planning policy and are led by the planning officer's recommendation. This has to be published five working days before the planning meeting and is the first real indication you will get of how the Council view the application. We suggest that you contact each Member of the committee via the committee secretary to explain your reasons for refusal. Use short sentences and always quote the supporting policy.

The names of committees often vary from council to council. However, in general, the committee responsible for deciding planning application is called the Planning or Development Control Committee. Membership of the committee would have changed after the May local elections, so make sure the council has the latest membership published on the website.

Your last chance to influence the members of the Committee is to ask to speak against the application at the Committee meeting. This is usually up to a 5 minute slot. Not all authorities permit public speaking, so it is important to understand what you are able to do. If you wish to speak, you must notify the Council of your intention in advance.

As well as local plan and national policy the planning committee must consider any relevant other material considerations – planning law requires applications be determined in accordance with the ‘development plan’ unless material considerations dictate otherwise. So what represents a material consideration?

Common examples include:

- Case law where a precedent has been set which could reasonably be applied in this case.
- The planning history of the site – the Council should hold a record of all previous applications on the site and it may be that a similar application was refused previously and the reasons could be applicable today.
- Traffic, parking and accessibility – some of these issues may not be fully dealt with by policy, so there could be the opportunity to make a case around these issues.
- Viability – if you believe that the development is not likely to go ahead because the developer cannot afford to deliver it. This is rare in the case of a supermarket but all developers have a profit margin below which it does not make economic sense to build.
- Planning contributions – related to viability, if the development should be making contributions towards things that mitigate its impact but does not want to, then this could be because it is too expensive. Insisting that these contributions are sought could render the development undeliverable so it should be refused. For more information on [planning contributions](http://www.tescopoly.org/index.php?option=content&task=view&id=1495), see www.tescopoly.org/index.php?option=content&task=view&id=1495.
- Effects to the local area: loss of local amenity, noise and disturbance, visual appearance and design

What is not a Material Consideration?

Not all effects of a development can be considered a material consideration when deciding planning applications. Despite their importance to you, they are likely to be ignored by planning officials. Non-material considerations include: personal circumstances, loss of property value, loss of view, objections to the construction period, personal, political or ideological disapproval, cost of development, and opposition to business competition.

Conclusions and planning positively for the future

While there are a range of problems with the new system, there is also a strong sense that we can best serve our communities by ‘getting on with it’. In many cases the real challenges for the future don’t flow from government policy but from the resources to make good plans. Often it will be a common sense attitude to collaboration which will prove most effective both with communities and other key partners in the development process. Sharing resources and information may be a necessity, but it can also help rebuild the kind of trust lacking from the English planning system.

Some useful recent resources

Localism Act 2011, Part 6: Planning

The Neighbourhood Planning (General) Regulations 2012

Department for Communities and Local Government (DCLG), National Planning Policy Framework

DCLG, June 2012, Parades to be proud of: Strategies to support local shops

DCLG, The Planning System, www.communities.gov.uk/planningandbuilding/planningsystem/

The Planning Inspectorate, 27 March, Advice produced by The Planning Inspectorate for use by Inspectors. NPPF

Welsh Government, Planning Policy Wales,
<http://wales.gov.uk/topics/planning/policy/ppw/?lang=en>

Scottish Government, Scottish Planning System, www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy

Some available government and industry tools and guidance

Association of Town Centre Management (ATCM), *100 Ways to Help the High Street* online resource, www.100ways.org.uk/

DCLG, Plan making manual, www.pas.gov.uk/pas/core/page.do?pageId=109798

PAS, April 2012, Local Plans and the National Planning Policy Framework. Compatibility Self Assessment Checklist, www.pas.gov.uk/pas/core/page.do?pageId=2118093

PAS, 27 April 2012, Things we think you should know about the NPPF,
www.pas.gov.uk/pas/core/page.do?pageId=2202464

TCPA, July 2005, TCPA Policy Statement on Planning for Accessible and Sustainable Retail,
www.tcpa.org.uk/data/files/retail.pdf

TCPA, March 2011, Your place, your plan, www.tcpa.org.uk/data/files/your_place_your_plan.pdf

The National Retail Planning Forum, www.nrpf.org.uk/briefings.htm

Business in the Community (BITC), June 2012, Retail Development Investment Framework Guide,
www.bitc.org.uk/community/community_footprint/investment_framework.html

Urban Vision, March 2012, Neighbourhood planning. Quick Guide to Neighbourhood Planning,
www.uvns.org/sites/default/files/UVNS_Guide_to_Neighbourhood_Planning.pdf

Annex 1. Summary of the National Planning Policy Framework

The NPPF condenses a wide range of policy from economic growth to climate change to minerals in one document. While it is often said that there have been no significant policy changes, in fact all of this policy has to be read in the context of the new presumption in favour and in relation to factors such as viability testing. In practice the end of regional planning also means that policy on things like minerals and regional shopping centres will be handled in new ways. The table below gives a brief overview of the main changes in Government planning policy.

Specific Policy Issue	Significant Change
Economy Paras 18 -22	<ul style="list-style-type: none"> • Strong emphasis on growth with imperative to meet business needs flexibly over the long term • Strong emphasis on market signals in evidence base for commercial and industrial allocations.
Town Centres Paras 23 -27	<ul style="list-style-type: none"> • Retention of Town centre first • Emphasis on meeting business needs for flexibility in town centres • Retention of sequential approach for planning applications • Removal of small scale rural office development from ‘town centre first’ policy. • For major town centre schemes where full impact will not be realised within 5 years, impacts should also be assessed for a period of up to 10 years. • Removal of the maximum non-residential car parking standards for major developments
Rural Economy Para 28	<ul style="list-style-type: none"> • Emphasis on economic diversification and retention and enhancement of community facilities’
Transport Para 29 -41	<ul style="list-style-type: none"> • Retains commitment to sustainable transport modes • Greater recognition of rural transport needs • Higher test for refusal of development on transport impact grounds • Stronger emphasis on requiring sustainable transport solutions only where ‘practical’
Communications Infrastructure Paras 42 - 46	<ul style="list-style-type: none"> • Strong emphasis on facilitating broadband roll out and telecoms development
Housing Para 47-55	<ul style="list-style-type: none"> • Removal of national brownfield target for housing development. • Requires local planning authorities to allocate and update annually a 5 year supply of housing sites with at least 5% buffer, and 20% buffer where a record of persistent under delivery. • Removal of national minimum site size threshold for requiring affordable housing to be delivered. • Increased flexibility for delivery of rural housing to reflect local needs. • Changes to definition of affordable housing • Recognition of the value of large scale provision and Garden City principles
Design Paras 56 -68	<ul style="list-style-type: none"> • Strong emphasis on good design in all aspects of decision making
Healthy Communities Paras 69 - 78	<ul style="list-style-type: none"> • Continued emphasis on planning for social interaction, healthy living and planning out crime
Green belt Paras 79 - 92	<ul style="list-style-type: none"> • Minor technical changes to the detail of Green Belt policy.

Climate change Paras 93- 108	<ul style="list-style-type: none"> • Clear linkage between planning decisions and Climate Change Act • Requirement to radically reduce carbon emissions • Provide more flexibility regarding manner in which local planning authorities meet local requirements for decentralised energy supply. • Encouragement for local planning authorities to map areas for commercial scale renewable and low carbon energy development opportunity, and then to apply these criteria to other applications.
Natural environment Para 109 -	<ul style="list-style-type: none"> • Strong connection with the Natural Environment White Paper • Requirement on local planning authorities to take strategic approach in Local Plans to creation, protection, enhancement and management of networks of biodiversity and green infrastructure. • Recognition of designation within Local Plans of locally designated sites of importance for wildlife, geodiversity or landscape character. • Clarification of which wildlife sites should have same protection as European sites.
Historic environment Paras 126 -141	<ul style="list-style-type: none"> • Positive requirement to link heritage assets to economic growth
Minerals	<ul style="list-style-type: none"> • Removal of requirement to set criteria and select sites for peat extraction.

NPPF town centre policy – Section 2: Ensuring the vitality of town centres

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not
- compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible
- locations that are well connected to the town centre;

- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

25. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.