Draft NPPF notes / commentary

| **Para** | **NPPF** | **Comment** | **Obj/Sup?** |
| --- | --- | --- | --- |
| 14 | Footnote 9 clarifies that “‘Recently been brought into force’ means a neighbourhood plan which was passed at referendum two years or less before the date on which the decision is made” | It is wholly unreasonable to expect NP’s to be reviewed in 2 years cycles to provide them with this greater weight. The minimum should be 5 years (aligning with the expectation for Local Plans in para 23).  The wording should also be ‘policies or allocations’ not ‘policies and allocations’ which implies that both are needed. | Object |
| 21 | “Plans should make explicit which policies are ‘strategic policies’. These should be limited to those necessary to address the strategic priorities of the area …. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other local policies.” | This clarification is extremely useful in terms of the conformity requirements for Neighbourhood Planning. | Support |
| 32 | “Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan for that neighbourhood, where they are in conflict; unless they are superseded by strategic or local policies that are adopted subsequently.” | With the review of Local Plans at least every 5 years, it is inevitable that the strategic and local policies will be replaced soon after a NP is made, potentially making large chunks of it superseded unless there is considerable effort made to recognise subtle differences that the NP policies have introduced. A possible solution would be to require LPAs to produce an explicit statement to clarify which NP policies remain in force, and those which are superseded. An alternative solution would be for this to only apply in respect of strategic policies, or to only apply where NPs have been made for more than 5 years (to allow sufficient time for the changes to then be considered through a review). | Object |
| 34 | “Plans should set out the contributions expected in association with particular sites and types of development… Such policies should not make development unviable, and should be supported by evidence to demonstrate this.” | The requirement for viability evidence should not apply to neighbourhood plans where it is not deviating from the Local Plan requirements, or where no viability concerns have been raised as part of the consultation process which has fully engaged landowners / developers. Adding the words ‘if appropriate’ would provide leeway on this. | Object |
| 51 | “Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan” | The indication that major decisions affecting a neighbourhood plan in preparation cannot be regarded as premature until the end of the Regulation 16 publicity period needs to be reconsidered as it is causing considerable local tensions. This is because a clear indication of which sites to include and exclude from a neighbourhood plan is often public in the period between options consultation and pre-submission stage, creating a ‘window of opportunity’ for disappointed landowners to press ahead with speculative outline applications on excluded sites well in advance of the plan reaching the end of the Reg 16 consultation stage for this to be considered premature. In the spirit of Localism, such decisions should certainly be considered premature by the time a pre-submission draft has been published, if that plan has determined sites that appear to be sufficient to meet the local need. At the very least, parity with the Local Plan prematurity should be introduced – ie the prematurity argument should be possible from the point at which a plan is submitted for examination (rather than adding on another 2 month delay). | Object |
| 66 and 67 | “Strategic plans should set out a housing requirement figure for designated neighbourhood areas. Once the strategic plan has been adopted, these figures should not need re-testing at the neighbourhood plan examination” | This is welcome given that there will be opportunity for the NP representatives to input into this process, and a simple formula-based approach to determining a figure may not be appropriate in some areas. | Support |
| 74 | “…all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites” | This is a new concept that may be particularly useful where local demand is incremental, or infrastructure requirements are linked to completions. | Support |
| 78 | Introduces the concept of reducing the commencement timescale for permissions to expedite building. | It would also be prudent to consider including a completion clause, following which the site requirements can be revisited | Support / Concern |