



Advice produced by The Planning Inspectorate for use by Inspectors:

27 March 2012

National Planning Policy Framework

Background

1. DCLG has today published the [National Planning Policy Framework](#) ('the Framework') (27 March 2012). This supersedes the consultation draft National Planning Policy Framework published on 25 July 2011.
2. The policy documents listed at Annex 3 of the Framework (including many existing Planning Policy Guidance notes (PPGs) and Planning Policy Statements (PPSs)) are cancelled.
3. The Framework largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. It also introduces the presumption in favour of sustainable development, and makes adjustments to some specific policies.
4. Annex 1 of the Framework sets out the implementation arrangements. The policies in the Framework apply from the day of publication, with appropriate arrangements to support local planning authorities if they need to update their plans. Annex 1 makes clear that plan policies should not be considered out-of-date simply because they were adopted prior to publication of the Framework. It also sets out how decision-takers should proceed taking account of the date of adoption of the relevant policy and the consistency of the policy with the Framework.

Action

5. The policies in the Framework need to be applied from the day of publication, while ensuring that progress is maintained in the decision-making process without allowing any significant delay.
6. Inspectors must read and apply the Framework to all decisions which have not been issued at the point of publication of the Framework. In applying the Framework we will seek to maintain our normal standards of appeals service timeliness in so far as this is compatible with fairness to all parties.
7. The Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
8. The Government has set out arrangements for implementation of the Framework. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies in development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 (or published in the London Plan) since 2004, even if there is a limited degree of conflict with the Framework (see Annex A paragraph 4 for further advice). In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
9. In future, appeal representations will be made taking into account the Framework. However, some appeals and Local Plan examinations will be live when the Framework is published. Advice on the handling of such appeals and call-ins casework on publication of the Framework is at [Annex A](#) of this Note and on Local Plans at [Annex B](#). For any casework

where exceptionally pre-issue reading is requested, subject to the approval of Inspector Managers, [Annex C](#) provides advice on the procedure to follow. Any advice to be issued on the interpretation of Framework policy is a matter for the Department for Communities and Local Government.

10. [Annex D](#) of this Note will provides links to Ministerial Statements, Parliamentary Answers, press releases and Communities and Local Government Chief Planner communications connected to the publication of the Framework and a list of changes to topic specific policy as highlighted by the DCLG Framework Impact Assessment.

APPEALS, CALL-INS¹

1. In the future, where appeals refer to national planning policy this is most likely to concern the National Planning Policy Framework ('the Framework') and other parties will respond accordingly. Clearly some appeals will be live when the Framework is published, but for many the implications of the publication of the Framework will be capable of being dealt with during the normal passage of the appeal. However, it is recognised that in some cases, mainly as a result of the stage that the appeal has reached, arrangements may be required to ensure that parties have the opportunity to make representations on the impact, if any, of the publication of the Framework. Inspectors need to deal with these cases expeditiously and the Inspectorate will set clear timetables for any responses.

2. Paragraph 13 of the Framework sets out the presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s38(6) of the Planning and Compulsory Purchase Act 2004 and s70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

3. It is necessary for Inspectors to have addressed their minds to the application of the presumption in favour of sustainable development in appeals and call-ins, to consider whether any topic specific policies relied on have been altered by the Framework and to consider what action to take in the interests of fairness to the parties.

4. The Framework indicates that for 12 months from the day of publication of the Framework, decision-takers may continue to give full weight to relevant policies even if there is a limited degree of conflict with the Framework. This means that Inspectors should, having identified the relevant development plan policies, consider for each of them:

- (1) whether the relevant development plan policy is one adopted in accordance with the Planning and Compulsory Purchase Act 2004 (or published in the London Plan);
- (2) decide whether it has no, or only a limited, degree of conflict with the Framework, and
- (3) if so, the policy should be given full weight in the decision; and
- (4) assess the development proposal against the policy.

5. In the small number of cases affected, for a short period case officers will alert the main parties² of the need to consider whether they wish to include reference to the Framework in their representations on already submitted appeals and request those are provided within 10 working days in normal circumstances. This will be initiated at appropriate points from receipt of the case up to the point it reaches an Inspector. However, appeal parties will rapidly assimilate the Framework's contents and this will be a short term measure. Where a site visit, Hearing or Inquiry is yet to be held or is sitting this should be possible as part of submissions at the event or as written representations.

6. With regard to cases currently before the Inspector, the following approach has been developed to assist in determining which cases can proceed and should not need any

¹ This guidance applies to all appeal case types.

² This in all such circumstances should cover the main parties (LPA, Appellant's side, and Rule 6 Parties), with others included at the Inspector's discretion.

additional action, and which due to their current stage in the process may merit reopening or may be dealt with by a reference back to the parties for comment:

(a) in cases where:

- parties have already made submissions that they are relying on recently adopted development plan policies and in light of the evidence the Inspector judges reasonably that the development plan policies are not out of date;
- the parties' submissions have not been contradicted by other parties; and
- there is no reference either to cancelled national policy or to local policies reflecting it, then no further action is required. The Inspector may wish to consider whether an explanatory line as in paragraph 7 below is appropriate;

(b) where the parties' cases rely primarily on existing local development plan policies and the parties have not stated whether such policies are out of date in the light of the Framework, or they rely on cancelled national policy, Circulars etc., then the parties should be asked if they wish to submit representations in the light of the publication of the Framework. This applies regardless of whether or not the Inspector considers that his or her decision will turn on the relevant development plan policies or cancelled national policy;

(c) if the inquiry or hearing has closed, the Inspector can seek written representations on the implications of the publication of the Framework or, if in specific circumstances it is considered necessary to result in fairness for the parties, may consider reopening the inquiry or hearing (if a transferred appeal - Chart should then be advised). Before deciding to re-open an event Inspectors should discuss such cases with their manager. In bespoke cases the target may need to be adjusted.; and

(d) although ordinarily for SoS casework we would not seek views once an event has closed, The Planning Inspectorate may where appropriate refer back to the parties on Framework issues, and as above may in certain circumstances consider the need to re-open events.

7. In the event that a decision has been sent for despatch prior to the publication of the Framework, but has not yet been despatched at the point of Framework's publication, then the relevant team will return the decision (and the file where this has been received in the office) to the Inspector. The Inspector will have to decide whether the case merits re-consulting with the parties or whether suitable explanatory text (for example, 'policies in the Framework have been considered but in light of the facts in this case the National Planning Policy Framework does not alter my conclusions') can be inserted. The judgement made by the Inspector must be a reasonable one, taking account of the need to avoid delaying decisions wherever possible. The decision should then be sent to despatch as usual and a note included confirming that the Framework has been considered.

Annex B

Local Plans

1. Inspectors should seek to minimise delays, while giving parties an opportunity to make representations in the interests of fairness. The first guiding principle in development plan work is where possible to ensure that sessions where representations may currently rely on previous national policy are re-programmed, and substituted with sessions not so affected, or that space is provided for relevant issues to be revisited before the examination is closed.

2. **Preparation before the pre-hearing meeting (PHM)** – At the PHM, make it clear that sessions where representations may currently rely on national or local policy as stated in or reflecting previously existing national policy will be scheduled so as to give all parties the

opportunity to take into account in their representations the potential effect of the Framework.

- 3. Preparation after the pre-hearing meeting (PHM) and relevant sessions scheduled** – Defer discussion of policy topics where representations potentially reflect previously existing national policy until the parties have been given an opportunity to consider the potential effect of the Framework as in step 2. Substitute with sessions not so affected.
- 4. Examination hearings in progress** – Programme discussion of policy topics where representations potentially reflect previously existing national policy to allow an opportunity to consider the potential effect of the Framework as in step 3 (if not possible go to step 5).
- 5. Examination hearings in progress where previously existing national policy related issues are the current topic** - Continue on the basis of revised national policy (the National Planning Policy Framework), but where necessary, after canvassing the views of the parties, allow a suitable adjournment as in step 4.
- 6. Examination hearings in progress but previously existing national policy-driven issues are already dealt with** – Inform examination parties that it will be necessary to re-open the issue to allow an opportunity as in step 5.
- 7. Report is being prepared** - Seek the views of the parties on the implications of the Framework. Be prepared to re-open the examination to allow an opportunity as in step 6.
- 8. Report completed but not yet sent for fact check** – On the basis that one of steps 1 to 7 has already been implemented, proceed to send it. If none of the steps before 8 have been completed, return to step 7.

Annex C

Pre-issue Reading

1. In most cases, Inspectors should be able to deal satisfactorily with the introduction of the Framework, subject to the processes outlined above.
2. In exceptional cases, and subject to prior discussion with Inspectors managers who then agree that reading is necessary, pre-issue reading of any casework involving the development of land affected by the Framework covered by this Note will be made available where Inspectors wish to have a case read.
3. Decisions on any such casework should be sent electronically to the office. Once the reading process has been concluded you will be asked to forward the decision on for despatch.

[Ministers statement](#) by The Rt Hon Greg Clark MP (oral)

[Letter to Chief Planning Officer: National Planning Policy Framework](#)

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

Changes listed in National Planning Policy Framework Impact assessment

- Introduction of presumption in favour of sustainable development.
- 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
- Removal of national brownfield target for housing development.
- Require local planning authorities to allocate and update annually a 5 year supply of housing sites with at least 5% buffer (moved forward from later in plan period) and 20% buffer (moved forward from later in plan period) 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.
- Increased protection for community facilities.
- Minor technical changes to the detail of Green Belt policy.
- 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.
- 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.
- Removal of requirement to set criteria and select sites for peat extraction.