



## Anderson calls for improvements to draft NPPF

### OVERVIEW

In September 2011 Ian Anderson, Head of National and Retail Planning at CB Richard Ellis, gave a speech to the annual BCSC conference, in which he welcomed the consolidation of existing planning policy and guidance, but warned that new policy must provide for consistent decision making and transparency in investment and development decisions in the retail sector. The text of his speech appears below. The views expressed are Ian's own.

Planning has never been so much in the spotlight – in the property press, in the broadsheets and the nationals and on the television and the radio.

It's our very own X Factor – everyone seems to have a view at the moment: is it good, is it bad, who will be the winners and who will be the losers.

I support, in principle, the Government's intention to reduce the amount of national policy, circulars and other planning documents. I also support the Government's drive for a faster, more efficient and transparent planning system.

I agree, if we get it right, it can assist economic recovery.

However it is essential in my view to further develop the NPPF in three key areas.

1. Firstly, its approach in promoting a 'plan led system' focussing on the definition of sustainable development;
2. Secondly, its maintenance of 'town centres first'; and
3. Thirdly, its approach to judging impact.

#### 1. The Continued Promotion of a 'Plan-Led System'

In considering the first point, the NPPF supports a plan-led approach to ensure long term, large investments are protected. This is correct, in my view.

As many of you in the room know, investments in economic, social and environmental infrastructure on key developments take significant forward funding and require certainty.

A 'positive planning approach' is in my view key to providing such certainty to developers and all of their partners that long term investment which delivers economic renewal and social enterprise within town centres is both recognised and supported.

However, the new local plan system proposed under the NPPF, with neighbourhood planning and the production of new local plans (or retrofitting old core strategy and other LDF documents) will take time. This delay is likely to be exacerbated by labour and skills shortages in local planning authorities.

The NPPF stipulates that where such plans are absent, silent or out of date, that a presumption in favour of sustainable development will apply. I am concerned this is not fully defined. Indeed, it's not even partially defined, and in the absence of an adequate definition it, and the default 'yes' position to development, may result in incoherent decision making in protecting town centres at a local level and will be subject to, in some cases, appeal and in others judicial review challenge.

Such an outcome in my view is counter intuitive to both localism and the speeding up the planning process. It is therefore vital in my view that the NPPF is bolstered to define or even hint at what may or may not comprise sustainable development. To do otherwise will simply result in delays and uncertainty whilst the inspectorate and the courts define it through appeal precedence.

## 2. Maintained Focus of 'Town Centre First'

In dealing with my second point the policy contained in the NPPF for 'town centre first' and, in particular, the application of the sequential assessment, has to be bolstered. It has been a long standing tool in the Government's armoury to promote growth and protect and enhance the vitality and viability of Britain's city, town and district centres and provides a positive framework to support long term, complex investment decisions against in many cases shorter term speculation on less complex, and in some cases less expensive, out of centre choices.

The Government assures me that there is no change to its town centres first approach. However this does not appear backed by the language of the NPPF.

This causes me concern. Notably, paragraph 78 refers to town centres first as 'preference' rather than 'requirement' and suggest that town centre options should be considered 'where practical'; I am sure if such language stands, in spite of all the Government's rhetoric in favour of town centres many may consider advancing business models not practical or suited to town centres in the hope of gaining leverage to move to less central locations.

I would venture that 'town centre first' needs to be cornerstone of positive future investment for and in town centres and needs bolstering in the document. I consider with some minor changes, these could be integrated in the relevant paragraphs without diluting the NPPF's common thrust of streamlining and greater economic focus.

## 3. A Broader Based Assessment of the Effect of Retail

Finally I consider there needs to be greater regard had to impact on town centres in the NPPF.

I agree with the general approach to impact assessment presently contained within PPS4. It is correct and sensible in my view to extend the consideration of retail and other town centre uses across a wide spectrum of economic, social and sustainability measures in order to fully examine the potential impact of development.

It is similarly correct in my view to identify and consider both positive and negative impacts arising from developments. If the balance of policy set out in PPS4 remains, then I see no necessity for the potential reintroduction of the assessment of 'need', although clearly the NPPF as presently drafted does not suggest the reintroduction of this test in any event.

Without such a balance, or indeed definition of what may or may not define impact, we are in a similar position of the definition of sustainable development, with the broad definitions being refined through case precedent over a period of years in the courts possibly to the benefit of out of centre development and to the detriment of town centres.

In conclusion – the consolidation of thousands of pages of guidance to a single point of reference is good. The message I take from the NPPF on the plan-led approach is that planning authorities should 'plan positively or face the consequences' which is again a good maxim.

However we need to be slightly careful for what we wish for in placing too much emphasis on revolution in planning above evolution. In skating over a thin ice of national policy of 52 pages without an adequate regional dimension or local plan framework and in the absence of adequate definition could lead to inconsistent decision making, reducing certainty and transparency in investment and development decisions.

I would describe the NPPF as a good first draft, but it needs amendment in my view to help protect town centres against out of centre development. I look forward to the forthcoming debate from the floor.

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