

THE NPPF AND LOCALISM

HOW COURTS AND PLANNING APPEAL DECISIONS ARE INTERPRETING THE GUIDANCE

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STRUCTURE OF LECTURE

1. INTRODUCTION – LOCALISM V GROWTHISM
2. RECENT KEY COURT DECISIONS
3. KEY SECRETARY OF STATE DECISIONS
4. KEY INSPECTOR DECISIONS ON NPPF SINCE ITS PUBLICATION
5. THE FUTURE
6. SUMMARY AND CONCLUSIONS



PART 1

INTRODUCTION

THE CONFLICTING ASPIRATIONS

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- THE NPPF [GROWTHISM]
 - PARAGRAPH 14 – PRESUMPTION IN FAVOUR OF DEVELOPMENT

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- LOCALISM – SHIFT IN POWER TO LOCAL COMMUNITIES ENCAPSULATED IN LOCALISM ACT 2012.
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DECISION MAKING IN LAW



Section 38(3) Planning and Compulsory Purchase Act 2004 (as amended) by the LOCALISM ACT

(3) For the purposes of any other area in England the development plan is–

(a) the [regional strategy] for the region in which the area is situated [(if there is a regional strategy for that region)] [WHICH CONTEMPLATE THEIR ABOLITION], and

(b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area [, and]

*[(c) **the neighbourhood development plans which have been made in relation to that area.***

DECISION MAKING IN LAW



SECTION 38(6)

DECISIONS MUST BE MADE IN ACCORDANCE WITH THE DEVELOPMENT PLAN – LOCAL PLAN AND NEIGHBOURHOOD PLAN

UNLESS OTHER MATERIAL CONSIDERATIONS INDICATE OTHERWISE

THE NPPF IS A MATERIAL CONSIDERATION

HOWEVER, THE DEVELOPMENT PLAN MUST STILL BE GIVEN THE PRIORITY: SOUTH NORTHAMPTONSHIRE COUNCIL V SSCLG [2013] EWHC 11 (ADMIN)

TOPIC 1 – INTRODUCTION – THE LOCALISM ACT



- The S of S hailed the Act as marking the beginning of a historic shift of power from Whitehall to every community to take back their lives.
 - Councils have their General power of competence
 - Some parts of the Act will come into effect in April 2012 including the general power of competence in Section 1.
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Introduction - The Aims of the Localism Act



- “put an end to the hoarding of power within central government and top-down control of communities, allowing local people the freedom to run their lives and neighbourhoods in their own way.”
 - “help build the Big Society by radically transforming the relationships between central government, local government, communities and individuals.”
 - “herald a ground-breaking shift in power to councils and communities overturning decades of central government control and starting a new era of people power
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PART 1 - INTRODUCTION

WHY DID THE GOVERNMENT BRING IN THE NPPF?



- **DAVID CAMERON – 6 SEPTEMBER 2012.**
 - *THIS GOVERNMENT IS SERIOUS ABOUT DOING ALL IT CAN TO KICK START THE ECONOMY.*
 - *A COMPREHENSIVE PLAN TO UNLEASH ONE OF THE BIGGEST HOUSEBUILDING PROGRAMMES THIS COUNTRY HAS SEEN IN A GENERATION*
- **NICK BOLES – PLANNING MINISTER – 10 JANUARY 2013**
 - *THERE HAS BEEN A DECADES LONG FAILURE TO BUILD ENOUGH HOUSES*
 - *THERE HAS BEEN A DECADES LONG REFUSAL TO RELEASE ENOUGH LAND FOR DEVELOPMENT*



GROWTHISM V LOCALISM



- WHAT THE DECISIONS ARE SHOWING IS THAT ECONOMIC GROWTH IS AN OVERRIDING FACTOR IN MOST CASES.
- THERE IS A CLEAR DIRECTION OF TRAVEL TOWARDS GRANTING MORE CONSENTS.
- LOCALISM HAS BEEN SIDELINED CONSIDERABLY.
- GOVERNMENT'S PERCEPTION IS THE PLANNING SYSTEM IS OF FUNDAMENTAL IMPORTANCE TO ECONOMIC GROWTH AND EXPANSION.
- NPPF IS SEEN AS THE KEY DRIVER FOR THE UTILISATION OF THE PLANNING SYSTEM TO BRING ABOUT ECONOMIC GROWTH.
- IN A BALANCING EXERCISE THE DECISIONS SHOW MUCH MORE WEIGHT IS BEING GIVEN TO ECONOMIC GROWTH ["GROWTHISM"] THAN THE VIEWS OF THE LOCAL COMMUNITY ["LOCALISM"]



LOCALISM AND NEIGHBOURHOOD PLANS



- NEIGHBOURHOOD PLANS ARE INCREASING IN NUMBER AND SIGNIFICANCE.
- THE SECRETARY OF STATE IS REQUIRING CONSIDERABLE WEIGHT TO BE PLACED UPON THE POLICIES OF NEIGHBOURHOOD PLANS, EVEN PRIOR TO THEIR ADOPTION.
- THE SECRETARY OF STATE HAS ANNOUNCED HIS INTENTION TO REVIEW CASES IN NEIGHBOURHOOD PLAN AREAS.
- IN TWO RECENT APPEAL DECISIONS, THE SECRETARY OF STATE HAS REJECTED AN INSPECTOR'S ADVICE, ON THE BASIS OF FACTORS CONNECTED WITH NEIGHBOURHOOD PLANS WHICH POST-DATE THE INSPECTOR'S DECISION (DCS Numbers 200-002-610; DCS Number 200-002-619)



Landmark
CHAMBERS

PART 2

KEY COURT DECISIONS SINCE MARCH 2012.



KEY COURT DECISIONS (1)



Sustainable Development

Case 1 - *William Davis Ltd* [2013] EWHC 3058 (Admin)

Case 2 - *R (Midcounties Cooperative Ltd) v Forest of Dean DC* [2014] EWHC 3059 (Admin)

Sequential Test

Case 3 - *R (Zurich Assurance Ltd t/a Threadneedle Property Investments) v North Lincolnshire Council* [2012] EWHC 3708 (Admin)

Rural Economy

Case 4 - *Sienkiewicz v South Somerset District Council* [2013] EWHC 4090 (Admin)

Housing Provision

Case 5 - *Wainhomes Holdings Ltd* [2013] EWHC 597 (Admin)

Case 6 - *Hunston Properties Ltd* [2013] EWCA Civ 1610



KEY COURT DECISIONS (2)



Housing Provision (continued)

Case 7 - *South Northamptonshire Council* [2014] EWHC 570 (Admin)

Case 8 - *Gallagher Homes Ltd v Solihull DC* [2014] EWHC 1283 (Admin)

Case 1 - *William Davis Ltd*

Case 9 - *Langton Homes Ltd* [2014] EWHC 487 (Admin)

Case 10 - *R (Embleton Parish Council) v Northumberland County Council* [2013] EWHC 3631 (Admin)

Green Belt

Case 8 - *Gallagher Homes Ltd*

Case 11 - *Redhill Aerodrome Ltd* [2014] EWHC 2476 (Admin)

Natural Environment

Case 12 - *R (Mevagissy Parish Council) v Cornwall Council* [2013] EWHC 3684 (Admin)



KEY COURT DECISIONS (3)



Historic Environment

Case 13 - *North Norfolk District Council* [2014] EWHC 279 (Admin)

Soundness of Plans

Case 14 - *DB Schenker Rail (UK) v Leeds City Council* [2013] EWHC 2865 (Admin)



Case 1 – William Davis Ltd



- **KEY POINT OF DECISION (1): PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT APPLIES ONLY TO DEVELOPMENT FOUND TO BE SUSTAINABLE**
- **KEY POINT OF DECISION (2): NPPF 49 APPLIES ONLY TO POLICIES WHICH RELATE TO THE SUPPLY OF HOUSING**
- Non-determination by Council of application for residential development
- Inspector found the proposal to not be sustainable
- Inspector correct not to apply the presumption in favour of sustainable development
- A policy which is capable of restricting development, and therefore the supply of housing, does not come within paragraph 49 if it does not relate to the supply of housing



Case 2 – Midcounties Cooperative



- **KEY POINT OF DECISION: SIGNIFICANT IMPACT UPON VITALITY AND VIABILITY OF TOWN CENTRE WILL POINT TOWARDS REFUSAL**
 - Council had granted outline planning permission for out-of-town retail development
 - Held that NPPF 14 applies only where there is a policy lacuna
 - The application should have been decided with reference to NPPF 27
 - There is no support from the NPPF just because the adverse impacts of the scheme do not significantly and demonstrably outweigh the benefits
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Case 3 – Zurich Assurance Ltd



- **KEY POINT OF DECISION: THE APPROACH TO SUITABILITY IS THE SAME AS THAT IN *TESCO STORES LTD V DUNDEE CITY COUNCIL* [2012] UKSC 13**
 - Assessment of the sequential test must be with reference to the scheme as applied for
 - The applicant need not alter or reduce the scheme so 'sequentially superior' sites could be adopted
 - Suitability of a site is determined with reference to the developer's proposals, not a hypothetical alternative proposal
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Case 4 – Sienkiewicz



- **KEY POINT OF DECISION: THE FRAMEWORK WOULD SUPPORT EVEN A LARGE SCALE EXPANSION OF A BUSINESS IN A RURAL AREA, PROVIDED IT IS OTHERWISE ACCEPTABLE**
 - Council granted permission for Probiotics International Ltd to erect buildings on the site of a former nursery
 - NPPF 28 (supporting the grant of planning permission) was a material consideration
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Case 5 – Wainhomes Holdings Ltd



- **KEY POINT OF DECISION: THE CORRECT INTERPRETATION OF FOOTNOTE 11 OF THE NPPF (CONCERNING NPPF 47)**
 - Council failed to determine application for residential development
 - Inspector dismissed appeal
 - Challenge under s.288 successful
 - There was an increased lack of certainty regarding the deliverability of sites being contemplated in an emerging policy document
 - 'Available now' means that, if planning permission was granted, there would be no other legal or physical impediment integral to the site preventing immediate development
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Case 6 – Hunston Properties Limited



- **KEY POINT OF DECISION: INSPECTOR NOT ENTITLED TO USE HOUSING SUPPLY FIGURE FROM A REVOKED PLAN**
 - Inspector dismissed appeal against refusal of development in the Green Belt
 - Inspector took into account housing figures in the East of England Plan; Court of Appeal held that she was not entitled to do so
 - The needs assessment should be gleaned from the Local Plan
 - An inspector on a s.78 appeal should not seek to carry out some sort of local plan process as part of determining the appeal
 - It is legitimate for a Local Plan to have less than the assessed housing need, if it would not be possible to supply that need because of conflict with other policies, such as those for Green Belt or AONB
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Case 7 – South Northamptonshire Council



- **KEY POINT OF DECISION: RSS FIGURES NEED NOT BE IGNORED WHEN ASSESSING HOUSING NEED**
 - Following Hunston, the claimant argued that an inspector should have ignored RSS housing need figures in their entirety
 - Inspector had two sets out housing need figures before her: those in the revoked RSS, and those in the emerging Joint Core Strategy
 - The Inspector could lawfully prefer the figures in the revoked RSS to those in the emerging JCS
 - The question is whether the figures for need were tainted by revoked growth policies
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Case 8 – Gallagher Homes Ltd



- **KEY POINT OF DECISION: FULL HOUSING NEEDS MUST BE ASSESSED IN PREPARATION OF A LOCAL PLAN**
 - Challenge to the adoption of a Local Plan
 - Court took a robust view towards the assessment of housing need
 - It was not sufficient to start from the available housing supply, and work towards housing provision
 - Full housing needs needed to be assessed
 - Housing need was not merely one of many material considerations to be considered together
 - Preparing a new Local Plan is not, in itself, exceptional circumstances for the amendment of Green Belt boundaries
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Case 9 – Langton Homes Ltd



- **KEY POINT OF DECISION: THE INTER-RELATIONSHIP BETWEEN NPPF 49 AND 14 WILL DEPEND ON THE CIRCUMSTANCES OF THE INDIVIDUAL PLANNING APPLICATION JUDGED BY REFERENCE TO THE LOCAL PLANNING CONTEXT AS IT RELATES TO THE NPPF**
 - Inspector found that there was a 5-year housing land supply
 - Claimant argued that this conclusion was not sufficient to say that the development plan was up to date
 - Foskett J rejected this argument: given the finding of 5-year supply, Inspector was entitled to give some weight to policies of the development plan
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Case 10 – Embleton Parish Council



- **KEY POINT OF DECISION: THE CORRECT APPROACH TO NPPF 55**
 - Application for livestock building along with temporary dwelling (caravan) allowed by local planning authority
 - The requirement under paragraph 55 of the NPPF regarding the essential need for a rural worker to live permanently at or near their place of work in the countryside replaced that in PPS7
 - NPPF 55 is much more generous to an applicant
 - It is not necessary to demonstrate that the proposal is viable
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Case 11 – Redhill Aerodrome Limited



- **KEY POINT OF DECISION: THE PHRASE ‘AND ANY OTHER HARM’ IN NPPF 88 REFERS TO HARM TO THE GREEN BELT**
 - Claimant applied for planning permission to replace grass runways at an aerodrome with a tarmac runway, and associated development
 - Application dismissed, as was s.78 appeal
 - Inspector followed the interpretation of the ‘and any other harm’ in NPPF 88 which had been the interpretation of PPG2, para 2.3, pursuant to *The River Club* [2010] JPL 584, namely any other harm whatsoever, not restricted to the Green Belt
 - Patterson J rejected this approach: the context of the phrase had changed with the introduction of the NPPF
 - ‘And any other harm’ now means harm to the Green Belt
 - Appeal being heard in the Court of Appeal tomorrow
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Case 12 – Mevagissy Parish Council



- **KEY POINT OF DECISION: EXCEPTIONAL NEED FOR AFFORDABLE HOUSING DOES NOT NECESSARILY CONNOTE EXCEPTIONAL CIRCUMSTANCES FOR DEVELOPMENT IN AONB**
 - Agreed that there was a clearly identified need for affordable housing in Mevagissy
 - 55 affordable homes needed in the Parish
 - Local planning authority granted permission for 31 homes
 - However, exceptional need for affordable housing does not necessarily equate to exceptional circumstances for a development, since there may be other potential locations for that development
 - There was no basis to consider that the planning committee of the Council had considered NPPF 115-116
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Case 13 – North Norfolk District Council



- **KEY POINT OF DECISION: THE NPPF IS NOT INCONSISTENT WITH THE STATUTORY REQUIREMENTS REGARDING LISTED BUILDINGS**
 - The Council applied to quash the decision of an Inspector granting planning permission for a wind turbine
 - Held that the guidance in the NPPF is consistent with s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
 - However, care must be taken when applying NPPF 134, which suggests there is a simple balance: the statutory obligation must still be complied with
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Case 14 – DB Schenker Rail



- **KEY POINT OF DECISION: GUIDANCE AS TO SOUNDNESS IS NOT PRESCRIPTIVE**
- Challenge to adoption of a Local Plan under s.113
- Held that the guidance in the NPPF regarding soundness is not prescriptive
- But a local planning authority must correctly interpret the guidance
- A local planning authority must give clear reasons for departing from the guidance in the NPPF

Landmark
CHAMBERS

PART 3

**KEY SECRETARY OF STATE DECISION
LETTERS SINCE MARCH 2012.**


PART 2 – THE KEY POST NPPF SECRETARY OF STATE DECISIONS



- HOUSING CASES
 - CASE 1 - **BISHOPS CLEEVE** – 16 JULY 2012.
 - CASE 2 - **WINCHESTER** – 2 OCTOBER 2012.
 - CASE 3 – **SANDBACH** – 6 DEC 2012.
 - CASE 4 – **NORTH TYNESIDE** – 3 JULY 2013.
 - CASE 5 - **SHEFFIELD** – 18 JULY 2013.
 - SPORT:
 - CASE 6 - **WAKEFIELD** – 20 JUNE 2012.
 - ENERGY:
 - CASE 7 - **MORELAND ENERGY** – 28 JUNE 2012.
 - RETAIL:
 - CASE 8 **LANCASTER** - 16 AUGUST 2012.
 - CASE 9 - **DERBY** - 25 JULY 2012.
 - CASE 10 - **MARGATE** – 13 JUNE 2013.
 - INFRASTRUCTURE
 - CASE 11 – **ST ALBANS STRATEGIC RAIL FREIGHT INFRASTRUCTURE** – 20 DEC 2012.
 - CASE 12 - **M6 LINK ROAD, LANCASHIRE** – 19 MARCH 2013.
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PART 2 – THE KEY POST NPPF SECRETARY OF STATE DECISIONS



- NEIGHBOURHOOD PLAN CASES
 - Case 13 – **BROUGHTON ASTLEY** - 17 APRIL 2014
 - Case 14 – **HANDCROSS** – 1 MAY 2014
 - Case 15 – **MALMESBURY** – 8 SEPTEMBER 2014
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S OF S CASE 1 – BISHOPS CLEEVE – 16 JULY 2012 L C

ALLOWED

- **KEY POINT OF THIS DECISION IS THE EMPHASIS PLACED ON SATISFYING HOUSING LAND SUPPLY REQUIREMENTS NOW AND LPAS CANNOT RELY ON ARGUMENTS THAT HOUSING NEED WILL BE ADDRESSED IN TIME IN THE EMERGING DEVELOPMENT PLAN.**
- PROPOSAL FOR **450 DWELLINGS** IN GLOUCESTERSHIRE
- S OF STATE SAID THAT THE ***MOST SIGNIFICANT MATERIAL CONSIDERATION IS HOUSING LAND SUPPLY*** [PARAGRAPH 18 OF SoS DECISION]
- THE SECRETARY OF STATE CONSIDERS IT IS IMPORTANT FOR THE LPAS PREPARING THE JOINT CORE STRATEGIES **TO IDENTIFY THE NEEDS AND REQUIREMENTS IN THEIR AREA NOW**
- IT IS NOT THE SAME AS ALLOWING THEM TO POSTPONE THEIR OBLIGATION TO IDENTIFY AND MAINTAIN A 5 YEAR SUPPLY OF DELIVERABLE SITES.

S OF S CASE 2 – WINCHESTER – ALLOWED – 2 OCT 2012 L C

- **KEY POINT OF DECISION – LPAS ARE REQUIRED TO PROVIDE 5 YEAR HOUSING LAND SUPPLY NOW AND NO PREMATURITY ARGUMENT.**
- 2000 DWELLINGS AND A LOCAL CENTRE, FOOD STORE AND OTHER ELEMENTS.
- CALL IN INQUIRY FROM 2010 WHICH WAS SUBJECT OF EXTENSIVE RSS LITIGATION.
- EMERGING CORE STRATEGY ALLOCATED BARTON FARM FOR 2000 DWELLINGS. SECRETARY OF STATE ATTACHES LIMITED WEIGHT TO IT.
- SUBMITTED TO EXAMINATION IN JUNE 2012.
- WITHOUT APPEAL SITE THE LPA CANNOT DEMONSTRATE 5 YEAR HOUSING LAND SUPPLY AND THEREFORE THE APPEAL PROPOSAL IS **NECESSARY TO PROVIDE AN ASSURED SUPPLY OF HOUSING**
- IT PROVIDES **COMPELLING JUSTIFICATION** FOR THE RELEASE OF A RESERVE SITE UNDER LP POLICY.
- DECISION NOT PREMATURE IN THE LIGHT OF THE EMERGING CS.

SECRETARY OF STATE CASE 3 – SANDBACH – 6 DECEMBER 2012

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- **KEY POINT IS SIGNIFICANT WEIGHT IS GIVEN TO HLS SHORTFALL.**
 - SECRETARY OF STATE DECISION CONCERNING 269 HOUSES IN CHESHIRE.
 - KEY CONCLUSION OF INSPECTOR WAS THAT THERE EXISTED SIGNIFICANT HOUSING LAND SUPPLY SHORTFALL OF BETWEEN 2.75 AND 3.25 YEARS SUPPLY.
 - THE APPEAL WAS ALLOWED.
 - SECRETARY OF STATE CONCLUDED THAT:
 - THE SECRETARY OF STATE GAVE SIGNIFICANT WEIGHT TO THE SHORTFALL IN HOUSING SUPPLY AND A *SIGNIFICANT FACTOR IN SUPPORT OF THE PROPOSED DEVELOPMENT*
 - SECRETARY OF STATE ALSO NOTED THAT THE FRAMEWORK SET OUT THE NEED TO BOOST *SIGNIFICANTLY THE SUPPLY OF HOUSING.*
 - NB SITE NOT SO SUBSTANTIAL AS TO JUSTIFY A FINDING OF PREMATURITY AGAINST THE DEVELOPMENT.
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S OF S CASE 4 – NORTH TYNESIDE 3 JULY 2013 – ALLOWED

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- **KEY POINT IS CONTRIBUTION TO HLS FROM THE SCHEME.**
 - HOUSING SCHEME FOR 450 HOUSES AND EXTENSION TO RISING SUN COUNTRY PARK,
 - LPA REFUSED PERMISSION.
 - 5 YEAR HOUSING LAND SUPPLY SHORTAGE AND THE LPA ACCEPT THAT NEED FOR GREENFIELD RELEASES TO MEET THAT SHORTFALL.
 - PARAGRAPH 49 OF THE FRAMEWORK APPLIES.
 - ALSO NEED FOR AFFORDABLE HOUSING.
 - THE PROPOSAL WOULD ALSO BRING BENEFITS IN THE FORM OF A SUBSTANTIAL EXTENSION TO EXISTING COUNTRY PARK.
 - THEREFORE THE PROPOSAL WOULD POSITIVELY CONTRIBUTE TO BOOSTING THE BOROUGH'S SUPPLY OF HOUSING.
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S OF S CASE 5 – SHEFFIELD – 18 JULY 2013 ALLOWED

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- **KEY POINT IS THAT REGENERATION OF MAJOR CITIES AND SHORTAGE OF HLS WEIGH STRONGLY IN FAVOUR OF THE GRANT OF PLANNING PERMISSION**
- PLANNING APPLICATION FOR 387 HOUSES AND FORMATION OF TWO PLAYING FIELDS.
- AGREED ABSENCE OF A FIVE YEAR HOUSING SUPPLY.
- COUNCIL VERY CONCERNED ABOUT THE PROPOSED DESIGN OF THE DEVELOPMENT.
- DESIGN WOULD BE DIFFERENT TO THAT IN THE SURROUNDING AREA.
- ACCEPTED THAT THE SCHEME WOULD NOT BE INNOVATIVE ARCHITECTURE BUT NEITHER WHEN THE DEVELOPMENT CONSIDERED AS A WHOLE WOULD IT BE POOR DESIGN.
- THE PROPOSAL WOULD BE A HIGH QUALITY, SUSTAINABLE NEIGHBOURHOOD.
- PROPOSAL WOULD CONTRIBUTE TO THE REGENERATION OF SHEFFIELD.

S OF S CASE 6 – WAKEFIELD – SoS – 20 JUNE 2012 **L DEALING WITH SPORTS PROVISION **C****

- **KEY POINT – COMMUNITY BENEFITS FROM STADIUM DEVELOPMENT DO AMOUNT TO VSC IN THE GREEN BELT**
- PROPOSAL FOR COMMUNITY STADIUM, GAMES AREA AND B1 UNITS AND HOTEL IN GREEN BELT TO BE USED BY WAKEFIELD TRINITY WILDCATS RLFC. PROPOSAL NOT IN ACCORDANCE WITH THE DEVELOPMENT PLAN.
- PROPOSAL WOULD CAUSE A SIGNIFICANT AMOUNT OF HARM TO THE GREEN BELT AND NOT APPROPRIATE DEVELOPMENT IN THE GREEN BELT.
- HOTEL AND A3 UNIT DO NOT COMPLY WITH TOWN CENTRES POLICY BUT SHOULD BE PROVIDED TO ENABLE FUNDING OF THE STADIUM AND THE COMMUNITY ELEMENTS.
- INSPECTOR CONCLUDED NO SITE AVAILABLE OUTWITH GREEN BELT THAT COULD ACCOMMODATE THE WHOLE DEVELOPMENT.
- SOS CONCLUDED THAT THE BENEFITS OF A COMMUNITY STADIUM DO AMOUNT TO VSC.
- SOS REQUIRED SECTION 106 DEALING WITH THE CONSTRUCTION OF THE STADIUM.

**S OF S CASE 7 – MORELAND ENERGY, NORTH YORKSHIRE – ENERGY INFRASTRUCTURE.
28 JUNE 2012.**

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- **KEY POINT IS THE WEIGHT GIVEN BY SECRETARY OF STATE TO THE ECONOMIC BENEFITS OF THE PROJECT.**
 - GAS PROCESSING FACILITY ON EDGE OF NATIONAL PARK.
 - REPRESENTATIONS INVITED IN THE LIGHT OF NPPF.
 - S OF S ATTACHES GREAT WEIGHT TO THE BENEFITS OF THE MINERAL EXTRACTION INCLUDING THE NATIONAL ECONOMY OF £37.5 MILLION. [PARAGRAPH 25]
 - THE NATIONAL BENEFITS OF THE SCHEME ARE SUFFICIENT TO OUTWEIGH THE MORE LIMITED HARMS BY WAY OF VISUAL IMPACT ON THE LANDSCAPE.
 - THE SECRETARY OF STATE ATTACHES GREAT WEIGHT TO THE BENEFITS PROVIDED BY THE PROPOSAL [PARAGRAPH 33]
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**S OF S CASE 8 - LANCASTER – RETAIL CASE –
REFUSED**

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- **KEY POINT – OUT OF CENTRE PROPOSAL REFUSED BECAUSE OF SEQUENTIALLY PREFERABLE SITE IN TOWN CENTRE.**
 - NEW FOODSTORE OF 7250 SQUARE METRES GROSS IN OoC LOCATION 2.8 KM TO THE SOUTH OF THE CITY CENTRE.
 - RIVAL SITE FOR A NEW SUPERMARKET 3230 SQUARE METRES GROSS JUST TO THE NORTH OF THE APPEAL SITE WHICH HAD JUST RECEIVED PLANNING PERMISSION.
 - LESS THAN 50% OF CONVENIENCE GOODS EXPENDITURE RETAINED IN THE CATCHMENT AREA. [SOUTH OF THE RIVER LUNE]
 - IN TERMS OF SEQUENTIAL APPROACH THERE WAS AN ALTERNATIVE SITE WHICH IS CANAL CORRIDOR NORTH WHICH IS ON THE EDGE OF LANCASTER'S MAIN SHOPPING CENTRE AND REDEVELOPMENT TO INCLUDE 33500 INCLUDING A FOODSTORE OF SOME 5000 SQUARE METRES GROSS. CANAL CORRIDOR NORTH SITE IS SEQUENTIALLY PREFERABLE TO THE APPEAL SITE FOR THE PROPOSED RETAIL DEVELOPMENT.
 - ALSO CONTRAVENES THE CONSIDERATION OF NEW PLANNED RETAIL INVESTMENT IN THE CENTRE.
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**S OF S CASE 9 – DERBY – 25 JULY 2012 –
ALLOWED.**

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**KEY POINT IN ORDER TO REFUSE A RETAIL SCHEME ON IMPACT GROUNDS
WHAT IS REQUIRED BY THE NPPF IS TO FIND A SIGNIFICANT IMPACT ON THE
CENTRE.**


- MIXED USE REGENERATION SCHEME KNOWN AS THE NIGHTINGALE QUARTER INCLUDING A CONVENIENCE GOODS STORE, RESIDENTIAL, OFFICES. THE SITE WAS THE FORMER DERBYSHIRE ROYAL INFIRMARY OF AROUND 7 HECTARES JUST SOUTH OF THE DERBY CITY CENTRE AND CONSIDERED EoC IN RETAIL TERMS.
- ONLY ISSUE WAS THE EFFECT OF THE PROPOSAL ON LISTED BUILDINGS AND CONSERVATION AREAS BETWEEN APPELLANT AND THE LPA.
- AGREED BY LPA THAT NO CENTRE SITES WHICH WERE AVAILABLE, SUITABLE OR VIABLE.
- NOT ENOUGH TO SAY THERE WILL BE AN IMPACT, WHAT IS REQUIRED BY THE NPPF IS A SIGNIFICANT IMPACT ON TURNOVER WHICH WOULD BE LIKELY TO UNDERMINE THE VITALITY AND VIABILITY OF THE CITY CENTRE.

**S OF S CASE 10 – MARGATE – 13 JUNE 2013
ALLOWED.**


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- **KEY POINT – NPPF CAN SUPPORT OoC RETAIL PROPOSALS THAT WILL ENSURE CLAWBACK OF EXPENDITURE.**
- SUPERSTORE PLANNING APPLICATION IN OoC LOCATION.
- LPA VOTED IN FAVOUR OF THE SCHEME AFTER APPEAL SUBMITTED.
- RETENTION OF CONVENIENCE GOODS EXPENDITURE IS STRIKINGLY LOW [PARA 16]
- PROPOSALS OFFER OPPORTUNITY TO CLAW BACK EXPENDITURE IN MARGATE.
- MARGATE ALSO ECONOMICALLY DEPRESSED AND THE JOB CREATION OPPORTUNITIES OF THE DEVELOPMENT ARE PARTICULARLY IMPORTANT.
- PROPOSAL WOULD HAVE A POSITIVE BENEFIT TO THE HIGH STREET AND ENCOURAGE FOOTFALL ALONG THE SEAFRONT AND INTO THE HIGH STREET.
- PROPOSAL WOULD BE UNLIKELY TO HAVE SIGNIFICANT ADVERSE IMPACT ON MARGATE TOWN CENTRE.

S OF S CASE 11 – ST ALBANS SRFI – 20 DEC 2012 
ALLOWED.


- **KEY POINT – BENEFITS OF A SRFI WERE SUCH AS TO WEIGH HEAVILY IN FAVOUR OF THE PROPOSAL ALTHOUGH WITHIN GREEN BELT.**
 - SECRETARY OF STATE MINDED TO ALLOW APPLICATION FOR STRATEGIC RAIL FREIGHT INFRASTRUCTURE FACILITY OF VERY SIGNIFICANT SCALE AND SIZE.
 - SoS CARRIED OUT BALANCING EXERCISE.
 - HARM TO GREEN BELT AND HARM TO SETTING OF ST ALBANS CONSIDERED SIGNIFICANT.
 - BUT BENEFITS TO ECONOMY OF SRFI AND NO ALTERNATIVE LOCATION WEIGHED HEAVILY IN FAVOUR OF THE PROPOSAL.
 - SUBJECT TO SECTION 106 AGREEMENT PERMISSION MINDED TO BE GRANTED.
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S OF S CASE 12 – M6 LINK ROAD, LANCASHIRE 
19 MARCH 2013.

- **KEY POINT – PROVISION OF A KEY LINK ROAD CAN AMOUNT TO VERY SPECIAL CIRCUMSTANCES AS REQUIRED BY THE NPPF IN THE CASE OF INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT.**
 - CONSTRUCTION OF A NEW 4.8 KILOMETRE DUAL CARRIAGEWAY RUNNING FROM LANCASTER TO JUNCTION 34 OF THE M6 MOTORWAY AND ASSOCIATED PARK AND RIDE FACILITY.
 - NEED FOR VSC REQUIRED TO JUSTIFY DEVELOPMENT IN THE GREEN BELT.
 - IN THIS CASE, THE SoS CONCLUDES THAT THE ACHIEVEMENT OF THE BENEFITS BROUGHT ABOUT BY THE ROAD DO AMOUNT TO VERY SPECIAL CIRCUMSTANCES AND OUTWEIGH THE HARM TO THE GREEN BELT.
 - THERE IS THEREFORE A COMPELLING CASE FOR AUTHORISING THE CONSTRUCTION OF THE LINK ROAD.
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S OF S CASE 13 – Residential development and Neighbourhood Plan: Broughton Astley

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- **KEY POINT – PARAGRAPH 185 OF THE NPPF IS MORE THAN A STATEMENT OF ASPIRATION**
 - SECRETARY OF STATE DISAGREED WITH INSPECTOR'S RECOMMENDATION, IN DISMISSING THE APPLICATION
 - THE APPLICATION WAS CONTRARY TO THE TERMS OF AN ADOPTED LOCAL PLAN
 - SECRETARY OF STATE FOUND THAT THIS SHOULD BE GIVEN 'VERY SUBSTANTIAL NEGATIVE WEIGHT'
 - THIS WAS DESPITE THE EXISTENCE OF A 'VERY SUBSTANTIAL HOUSING LAND SUPPLY SHORTFALL'
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S OF S CASE 14 – Residential development and Neighbourhood Plan: Handcross

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- **KEY POINT – A NEIGHBOURHOOD PLAN WHICH HAS BEEN ASSESSED AS FAILING THE BASIC CRITERIA CAN BE GIVEN LESS WEIGHT**
 - AGREED THAT THE PROPOSAL WAS CONTRARY TO THE NEIGHBOURHOOD PLAN
 - HOWEVER, THE INDEPENDENT EXAMINER HAD CONCLUDED THAT THE PLAN DID NOT SATISFY THE BASIC CONDITIONS, AND RECOMMENDED THAT IT SHOULD NOT PROCEED TO A REFERENDUM
 - POSSIBILITY OF HARM TO MORALE IN PREPARING THE NEIGHBOURHOOD PLAN WAS NOT SOMETHING TO BE GIVEN SUBSTANTIAL WEIGHT
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S OF S CASE 15 – Residential development and Neighbourhood Plan: Malmesbury

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- **KEY POINT – A NEIGHBOURHOOD PLAN WHICH HAS NOT BEEN ASSESSED BY AN INDEPENDENT EXAMINER CAN STILL BE GIVEN SIGNIFICANT WEIGHT**
- SoS DISAGREED WITH RECOMMENDATION OF INSPECTOR THAT APPLICATION FOR RESIDENTIAL DEVELOPMENT SHOULD BE ALLOWED
- ALLOWING THE APPEAL WOULD PREJUDICE THE PROGRESS OF THE NEIGHBOURHOOD PLAN
- THE SoS GAVE SIGNIFICANT WEIGHT TO THE OPPORTUNITY GIVEN BY THE NEIGHBOURHOOD PLAN PROCESS TO LOCAL PEOPLE TO ENSURE THEY GET THE RIGHT TYPE OF DEVELOPMENT FOR THEIR COMMUNITY

Landmark
CHAMBERS

PART

KEY INSPECTOR DECISIONS



PART 3 – KEY INSPECTOR DECISIONS ON THE NPPF ^L/_C **SINCE MARCH 2012 (1)**

- CASE 1 - ADDERBURY - 18 JUNE 2012.
- CASE 2 – SAPCOTE – 27 JUNE 2012.
- CASE 3 – HIGH PEAK – 23 AUGUST 2012.
- CASE 4- WINCANTON – 29 AUGUST 2012.
- CASE 5 – CRAMLINGTON – AUGUST 2013.
- CASE 6 – ASHBOURNE – 9 OCTOBER 2013

PART 3 – KEY INSPECTOR DECISIONS ON THE NPPF SINCE MARCH 2012 (2)

- CASE 7 – GAILEY – 17 OCTOBER 2013
 - CASE 8 – KENNEL FARM – 17 MARCH 2014
 - CASE 9 – ALDERTON – 22 MAY 2014
 - CASE 10 – WIGSLEY – 25 JUNE 2014
 - CASE 11 – MARSHBOROUGH – 21 JULY 2014
 - CASE 12 – YATTON – 1 AUGUST 2014
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INSPECTORS CASE 1 – ADDERBURY – REFUSED – JUNE 2012

- **KEY POINT IS THAT THE PROPOSAL SHOULD NOT BE ALLOWED AS IT IS NOT CURRENTLY SUPPORTED BY THE LOCAL COMMUNITY AND THEREFORE DOES NOT COMPLY WITH PARAGRAPH 17 OF THE NPPF.**
 - HOUSING PROPOSAL FOR 65 DWELLINGS.
 - SUBSTANTIAL SHORTFALL IN HOUSING LAND SUPPLY CIRCA 3 YEARS.
 - PARA 17 OF THE NPPF SEEKS TO EMPOWER LOCAL PEOPLE TO PRODUCE NEIGHBOURHOOD PLANS.
 - LOCAL PARISH COUNCIL SEEKING TO PRODUCE A NEIGHBOURHOOD PLAN TO CONSIDER WHERE HOUSING SHOULD BE PUT IN THE VILLAGE.
 - THE APPEAL SITE IS NOT THE ONLY APPEAL SITE THAT NEEDS TO BE CONSIDERED.
 - THE PROPOSAL IS IN CLEAR CONFLICT WITH THE GUIDANCE IN PARAGRAPH 17 GIVEN THAT THIS PROPOSAL IS NOT CURRENTLY SUPPORTED BY THE LOCAL COMMUNITY.
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INSPECTORS CASE 2 - SAPCOTE, BLABY

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- **KEY POINT IS THAT IF NO 5 YEAR HLS THEN PLANNING PERMISSION SHOULD BE GRANTED UNLESS THERE ARE DEMONSTRABLE AND SIGNIFICANT IMPACTS THAT OUTWEIGH THE BENEFITS AS SET OUT IN PARAGRAPH 14.**
 - 111 DWELLINGS.
 - LPA ACCEPTED THAT NO LONGER 5 YEAR HOUSING LAND SUPPLY.
 - WHERE NO 5 YEAR HOUSING LAND SUPPLY THEN RELEVANT POLICIES FOR THE SUPPLY OF HOUSING SHOULD NOT BE CONSIDERED UP TO DATE.
 - HOUSING POLICIES IN THE DEVELOPMENT PLAN THEREFORE HAVE TO BE CONSIDERED OUT OF DATE.
 - PLANNING PERMISSION SHOULD BE GRANTED UNLESS THE ADVERSE IMPACTS OF DOING SO WOULD DEMONSTRABLY AND SIGNIFICANTLY OUTWEIGH THE BENEFITS WHEN ASSESSED AGAINST THE POLICIES IN THE FRAMEWORK.
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INSPECTORS CASE 3 – WINCANTON – 29 AUGUST L 2012 C

- **KEY POINT THAT IT IS POSSIBLE WITHIN CONFINES OF PARAGRAPH 14 TO REFUSE SCHEME ON BASIS THAT HARM OUTWEIGHS BENEFITS EVEN IF HLS SHORTAGE.**
 - 55 DWELLINGS OUTSIDE DEVELOPMENT BOUNDARY AND ONLY 3 YEAR HOUSING LAND SUPPLY CONCLUDED BY INSPECTOR
 - COUNCIL CANNOT DEMONSTRATE 5 YEAR HOUSING LAND SUPPLY SO SHORTFALL IS SUBSTANTIAL.SO HOUSING POLICIES CONSIDERED OUT OF DATE.
 - PP SHOULD BE GRANTED UNLESS ADVERSE IMPACTS SIGNIFICANTLY AND DEMONSTRABLY OUTWEIGH BENEFITS
 - BUT THERE WERE MATERIAL CONSIDERATIONS THAT JUSTIFIED REFUSAL:
 - DEVELOPMENT TOO DEPENDENT ON PRIVATE CAR
 - HARM TO CHARACTER AND APPEARANCE OF THE AREA
 - JUSTIFIED REFUSAL NOTWITHSTANDING HOUSING NEED.
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INSPECTOR CASE 4 – HIGH PEAK - 23 AUGUST 2012

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- **KEY POINT – NO JUSTIFICATION OF REFUSAL OF PLANNING PERMISSION WHEN PREMATURITY ALLEGED IN RELATION TO AN EMERGING CORE STRATEGY.**
 - 105 DWELLINGS.
 - CASE DEALS WITH ALLEGED PREMATURITY ARGUMENT MADE BY THE LPA BECAUSE OF EMERGING CORE STRATEGY.
 - FRAMEWORK CONTAINS NO REFERENCE TO PREMATURITY.
 - LOOK AT PPS 1 GENERAL PRINCIPLES DOCUMENT GUIDANCE IN PARAGRAPH 17 AND 18 OF DOCUMENT:
 - PROPOSED DEVELOPMENT IS SO SUBSTANTIAL OR THE CUMULATIVE EFFECT WOULD BE SO SIGNIFICANT.
 - CURRENT CORE STRATEGY HAS BEEN ABANDONED.
 - NO JUSTIFICATION OF REFUSAL ON PREMATURITY GROUNDS.
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INSPECTORS CASE 5 – CRAMLINGTON –

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- **KEY POINT OF DECISION – HOUSING CAN BE PERMITTED ON EMPLOYMENT LAND WHERE THERE IS A SIGNIFICANT SHORTFALL IN THE 5 YEAR HOUSING LAND SUPPLY AND THERE WOULD NOT BE HARM TO THE SUPPLY OF EMPLOYMENT LAND.**
 - PROPOSAL FOR 120 HOUSES AND 1.6 HECTARES OF EMPLOYMENT IN CRAMLINGTON ON LAND IDENTIFIED IN THE DEVELOPMENT PLAN FOR EMPLOYMENT USE.
 - OLD WILKINSON SWORD SITE IN CRAMLINGTON.
 - THE PROPOSAL WOULD DELIVER MUCH NEEDED HOUSING IN AN AREA THAT IS SERIOUSLY SHORT OF NEW HOUSING AND IN PARTICULAR AFFORDABLE HOUSING.
 - AS SUCH IT WOULD BOOST THE SUPPLY OF HOUSING IN ACCORDANCE WITH PARAGRAPH 47 OF THE FRAMEWORK.
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INSPECTOR'S CASE 6 – ASHBOURNE



- **KEY POINT – PARAGRAPHS 49 AND 14 OF THE NPPF ARE NOT CONTRARY TO THE AIM OF LOCALISM, SINCE THEY KICK IN ONLY WHEN THE DEVELOPMENT PLAN SYSTEM HAS FAILED TO ACHIEVE ONE OF ITS FUNDAMENTAL TASKS**
 - APPLICATION FOR 65 DWELLINGS; APPEAL ALLOWED
 - KEY POLICIES OF THE LOCAL PLAN OUT-OF-DATE
 - FAILURE TO SHOW 5-YEAR HOUSING LAND SUPPLY
 - LOCAL RESIDENTS ARGUED THAT NPPF49 AND 14 WERE CONTRARY TO THE PRINCIPLES OF LOCALISM; THE INSPECTOR DISAGREED
 - THE INVOLVEMENT OF THE COMMUNITY DEPENDS UPON THE EXPEDITIOUS PRODUCTION OF LOCAL PLANS
 - THE PROPOSAL SUBJECT TO THE APPEAL DID NOT NEGATE THE EXTENSIVE CONSULTATION CARRIED OUT WITH REFERENCE TO HOUSING OPTIONS
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INSPECTOR'S CASE 7 – GAILEY



- **KEY POINT – THE MEANING OF ‘MATERIALLY LARGER’ IN THE FOURTH BULLET POINT OF NPPF 89 REFERS TO LARGER THAN THE BUILDING BEING REPLACED, NOT THE ORIGINAL BUILDING**
 - PROPOSED DEVELOPMENT IN THE GREEN BELT
 - RELEVANT QUESTION UNDER GREEN BELT POLICY WAS WHETHER THE PROPOSED BUILDING WAS MATERIALLY LARGER THAN THE ONE IT REPLACES
 - INSPECTOR FOUND THAT THE RELEVANT COMPARATOR WAS THE BUILDING IMMEDIATELY IN PLACE BEFORE REPLACEMENT, NOT THE ORIGINAL BUILDING
 - ENFORCEMENT APPEAL ALLOWED AND PLANNING PERMISSION DEEMED TO HAVE BEEN GRANTED, DESPITE BEING INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT
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INSPECTOR'S CASE 8 – KENNEL FARM



- **KEY POINT – IF A PARTICULAR PLANNING HARM DOES NOT REACH THE THRESHOLD FOR REFUSAL AS SET OUT IN THE NPPF, THAT HARM CAN STILL BE TAKEN INTO ACCOUNT IN GENERAL ASSESSMENT UNDER NPPF 14**
- CERTAIN POLICIES IN THE NPPF SET OUT THRESHOLD FOR REFUSING APPLICATION, E.G. APPLICATION SHOULD BE REFUSED ON GROUNDS OF TRANSPORT IMPACT ONLY WHEN TRANSPORT IMPACT IS 'SEVERE' (NPPF 32)
- AGREED BETWEEN PARTIES THAT DEVELOPMENT PLAN OUT OF DATE, SO PERMISSION TO BE GRANTED UNLESS ADVERSE IMPACTS SIGNIFICANTLY AND DEMONSTRABLY OUTWEIGH THE BENEFITS, ACCORDING TO POLICIES OF NPPF: NPPF 14
- IMPACTS WHICH DID NOT REACH 'REFUSAL' THRESHOLD (E.G. SEVERE IN CASE OF TRANSPORT) COULD STILL BE TAKEN INTO ACCOUNT IN NPPF 14 BALANCE

INSPECTOR'S CASE 9 – ALDERTON



- **KEY POINT – THE DECISION IN *WILLIAM DAVIS LTD* DOES NOT MEAN THAT A DECISION-MAKER SHOULD MAKE A PRELIMINARY ASSESSMENT OF SUSTAINABILITY OF A PROPOSAL, AND THEN DETERMINE WHETHER THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT SHOULD APPLY**
- Application for 47 dwellings
- Council contended that the Inspector had to first determine whether the application was for sustainable development
- The Inspector considered that she was faced with conflicting High Court authority
- She therefore did not take the approach in *William Davis*, but followed the approach in NPPF 14
- If policies for the supply of housing are not up to date, then NPPF 14 applies, even if other policies relevant to the determination are relevant

INSPECTOR'S CASE 10 – WIGSLEY



- **KEY POINT – THERE IS NOTHING IN THE PPG WHICH PROVIDES THAT LOCAL OPPOSITION TO A PROPOSAL SHOULD BE AN OVERRIDING FACTOR**
 - Appeal against refusal of planning permission for the erection of a wind turbine and associated infrastructure, determined by written representations
 - Considerable local opposition to the proposal
 - PPG states that the views of local communities should be properly heard and listened to
 - However, the views of local communities are not an overriding factor
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INSPECTOR'S CASE 11 – MARSHBOROUGH



- **KEY POINT – THE SUPPORTIVE APPROACH IN THE NPPF TO RENEWABLE ENERGY SOURCES HAS TO BE VIEWED IN THE LIGHT OF MORE RECENT GUIDANCE**
 - INSPECTOR REFERRED TO NPPF 17 AND 93, WHICH SUPPORT THE USE OF RENEWABLE ENERGY
 - HOWEVER, INSPECTOR ALSO NOTED THE REQUIREMENT OF A SEQUENTIAL APPROACH IN THE PPG, AND THE SPEECH BY GREG BARKER MP (MINISTER FOR CLIMATE CHANGE) IN APRIL 2013, REGARDING A SEQUENTIAL APPROACH TO LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FARMS
 - PREVIOUSLY USED SITES SHOULD BE USED IN PREFERENCE TO GREENFIELD SITES, BUT IF A GREENFIELD SITE IS TO BE USED, THEN IT SHOULD NOT PREVENT CONTINUED FARMING
 - PPG EXPRESSED TO CONTAIN NATIONAL POLICY
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INSPECTOR'S CASE 12 – Yatton



- **KEY POINT – ‘SUBSTANTIAL HARM’, FOR THE PURPOSES OF SECTION 12 OF THE NPPF, IS A HIGH THRESHOLD**
- PROPOSAL FOR INDUSTRIAL DEVELOPMENT AND WIND TURBINE
- APPEAL ALLOWED
- IMPACT UPON THE SETTING OF A LISTED CHURCH; HOWEVER THE SETTING WAS A MINOR ASPECT OF THE CHURCH'S SIGNIFICANCE
- THE THRESHOLD FOR SUBSTANTIAL HARM IS HIGH
- THE HARM TO THE SIGNIFICANCE OF THE CHURCH WOULD BE TANGIBLE, BUT LESS THAN SUBSTANTIAL



PART 4 – THE FUTURE



- JUDICIAL INTERVENTION IN THE LIGHT OF TESCO STORES. LARGE NUMBER OF CASES INTERPRETING THE NPPF
- FURTHER INSPECTORS DECISIONS IN THE LIGHT OF THE NPPF.
- APPEALS REVIEW BEING CARRIED OUT BY GOVERNMENT INCLUDING FAST TRACK PROCESS AND RECLAIMING OF JURISDICTION.
- CONTINUED ACTIVISM OF THE GOVERNMENT TO STIMULATE ECONOMIC GROWTH.
- FURTHER GUIDANCE BY THE EMERGENCE OF PRACTICE GUIDES.
- CONTINUED GROWTH IN THE SIGNIFICANCE OF NEIGHBOURHOOD PLANS.



PART 5 – SUMMARY AND CONCLUSIONS



- PARAGRAPH 14 PRESUMPTION IS BEING IMPLEMENTED GENERALLY.
 - APPEAL DECISIONS SHOW A DECISIVE SHIFT IN FAVOUR OF NPPF OVER LOCALISM.
 - PARTICULARLY IN RELATION TO HOUSING WHERE NO 5 YEAR SUPPLY.
 - ECONOMIC DEVELOPMENT IS ALSO KEY – WAKEFIELD, ST ALBANS AND MORELAND ENERGY.
 - RETAIL POLICY – PRIMACY OF SEQUENTIAL APPROACH AND TOWN CENTRE INVESTMENT.
 - HOWEVER, RECENT DEVELOPMENTS SHOW WEIGHT TO BE GIVEN TO VIEWS EXPRESSED IN NEIGHBOURHOOD PLANS
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