

Agenda Item No 6

Planning & Development Board

9 April 2018

Report of the Assistant Chief Executive and Solicitor to the Council

NPPF Consultation on proposed changes

- 1.1 This report brings to Members a summary of the main changes being proposed in the recent consultation into the NPPF.

Recommendations to Board

- a That the consultation be noted; and
- b That observations and any comments that Members wish to make be sent as a response to the consultation.

2 Consultation

- 2.1 The Ministry for Housing, Communities and Local Government (MHCLG) published its draft revisions to the National Planning Policy Framework (NPPF) for consultation, on 9 March 2018 with comments required by close of 10 May 2018. Members can view the paper at : (<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>). The Government has stated its desire to produce a final version “before the summer”.
- 2.2 The draft revised NPPF incorporates policy proposals previously consulted on in the *Housing White Paper* and the *Planning for the right homes in the right places* consultation, as well as changes to planning policy implemented through Written Ministerial Statements since the NPPF was published in 2012. The consultation also seeks views on additional proposals to change planning policy and legislation announced in the Budget of 2017.
- 2.3 Alongside the NPPF consultation documents, additional documents have been published for reference – draft planning practice guidance (covering viability; housing delivery, local housing need assessment, neighbourhood plans, plan-making and build to rent) and the housing delivery test measurement rulebook.
- 2.4 A separate consultation has also been published seeking views on a series of reforms to the existing system of developer contributions in the short term, alongside a research report on Section 106 planning obligations and the Community Infrastructure Levy.

2.5 The government has also published its response to the Planning for the right homes in the right places consultation.

2.6 All of the above documents can be found on www.gov.uk.

3 NPPF consultation proposals

3.1 This report provides a summary of the NPPF consultation proposals. It is not an exhaustive list of all the proposed changes and does not cover every chapter of the revised draft NPPF text. For information, the 2012 version of the NPPF is 65 pages long and the revised draft version is 70 pages. The main changes are highlighted below.

A *Achieving sustainable development*

3.2 A small but significant change to the presumption in favour of sustainable development is proposed. The current Framework includes examples of policies, which provide a specific reason for restricting development. This is now proposed as a defined list, which is set out at footnote 7 and includes Ancient Woodland and aged or veteran trees. The accompanying note to the consultation states that this approach does not preclude other policies being used to limit development where the presumption applies, if the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Observation:

3.3 The inclusion of Ancient Woodland and veteran / aged trees is welcomed.

B *Plan making*

3.4 The draft proposes a number of changes to plan making policy. The key areas include emphasising the need to enable authorities to pursue the most appropriate strategy to meet strategic priorities, amending tests of soundness and encouraging better use of digital tools in consultation. In addition, the changes set out to meet the test of soundness, authorities (including Mayors and combined authorities with plan-making powers), when preparing plans, will need to prepare and maintain a statement of common ground, as evidence (where appropriate) of the statutory duty to cooperate. The statements of common ground will be required throughout the Plan making process to ensure that it is clear where there is agreement and where there is no agreement.

Observation:

3.5 The changes being proposed are welcomed. Time should be saved at examination in considering the strategy that is being presented by the local planning authority rather than having to assess all other alternative suggestions. The sustainability appraisal will however still need to assess all reasonable alternatives.

- 3.6 The use of both memorandum of understandings and statements of common ground has increased. As can be seen in the Board report of 22 March the Borough Council has actively sought to get these agreed. It will continue to look to use these to support its duty to co-operate.

C *Decision taking (viability)*

- 3.7 Proposals outlined in the consultation planning for the right homes in the right places have been brought forward in this consultation, suggesting that viability assessments should not be required where a proposal meets development plan expectations. Viability will be a key test at the Local Plan examinations. It is also proposed that viability assessments should use standardised methods and be made publically available.

Observation:

- 3.8 It is interesting that the NPPF changes are supposed to make the plan making and decision making process quicker. However, it seems difficult to understand therefore how viability can be determined at plan-making stage and then not again at planning application stage when it could be a number of years before development takes place. By this time many things could have changed which would alter the viability of any scheme. It was always the principle of development that was being assessed at plan making stage rather than the detail of a particular scheme. A Local Plan examination could get bogged down in the detail of a scheme so making the plan making process longer. However, if there is clear guidance which will mean that the plan making process is more transparent then this should be welcomed. The detail of how this will be implemented will be very important. It should also avoid developers promising the provision of facilities and then return at the planning application stage seeking a reduction in facilities as they have issues with viability - although this could of course, still happen.

D *Delivering a sufficient supply of homes*

- 3.9 This new chapter brings forward a number of initiatives from MHCLG, which have been consulted on over the last three years. It references a standard methodology for assessing housing numbers set out in planning practice guidance. The methodology consulted on before Christmas was designed to be simpler than currently exists, which will help remove long protracted delays at Inspection and speed up the plan making process, which needs to happen in order to bring certainty to the market in the shorter term. This was a matter considered at Executive Board in November 2017.
- 3.10 The Housing Delivery Test, also consulted on last year, has also been brought forward, the guidance for which can be found in the draft housing delivery measurement test rulebook. The original guidance outlined a tapered approach to measuring housing delivery against local plan targets over 5 years. The draft NPPF maintains that authorities should have an additional "buffer" of site allocations depending on delivery circumstances (5%, 10% or 20%). As an initial requirement, the new NPPF would require authorities who

are delivering under 95% against their targets, to produce an action plan as to how to tackle under delivery.

- 3.11 As expected from the Housing White Paper, the definition of affordable housing has been widened in Annexe 2. The requirement for starter homes is included, although again as expected, the new policy now expects a minimum of 10% for affordable home ownership across the board (not specifically starter homes).
- 3.12 The changes introduce an expectation that local authorities should provide a housing requirement figure for designated neighbourhood areas.

Observation:

- 3.13 When introduced in November 2018 the Housing Delivery Test for the Borough will equate at the moment to 230%. This at first glance is good news. However it must be remembered that this is a separate calculation to the five year housing supply. The interrelation is not clear at the moment and may not materialise for a few years. Also clarification is required as to when the buffer is to be applied.
- 3.14 In terms of the requirement for 10% to be affordable home ownership, on the face of it is not generally considered a problem for the Borough Council. Generally the Borough Council seeks a minimum of 15% affordable home ownership. However there is concern that putting this into national policy takes away any local flexibility. In addition the actual affordability of starter homes is questionable as many RSL's walk away from this provision as it is not seen as affordable.

F Promoting healthy and sustainable communities

- 3.15 The chapter is amended to recognise the additional roles that planning can play in promoting social interaction and healthy lifestyles.

Observation:

- 3.16 Health and well-being is very important for the Borough Council and is a key part of the Local Plan. These changes are welcomed.

G Promoting sustainable transport

- 3.17 The NPPF amendments show that planning policies should 'support an appropriate mix of uses across an area, and within strategic sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities as well as a tightening of policy to link sustainable transport with opportunities to increase densification.

Observation:

- 3.18 This is generally welcomed. However, there is not always a direct correlation between where you live and where you are able to work. Promoting more intensive development around transport hubs such as stations is generally welcomed. This is probably best achieved in more urban areas where transport services are more frequent and where car ownership can therefore be reduced.

H Making effective use of land

- 3.19 Previous proposals by MHCLG to promote higher density developments around commuter hubs have now been inserted in the relevant chapter but limited to a general requirement for minimum density requirements to be applied in such cases. The emphasis on applying substantial weight to brownfield development within existing settlements outlined in a Written Ministerial Statement in February 2018 has also been inserted.

Observation:

- 3.20 Although better and more intensive use is welcomed of brownfield land, it is also important to consider that not all brownfield land is in the right place. Maybe a link of restoring brownfield sites which are in the wrong location whilst developing greenfield sites in the right location would be a more proactive approach.

I Achieving well designed places

- 3.21 There remains an emphasis on good design in the framework. The framework is more specific in how good design should be achieved, for example, referencing the use of design codes and specific standards such as Building For Life.

Observation:

- 3.22 These changes are welcomed. Place making, including making buildings work for the long term, is an important element of making places that people want to live and work.

J Green Belt

- 3.23 Government has been clear in its intention to protect the Green Belt. Brought forward from consultations is that an exception can be made for affordable housing on brownfield land within the Green Belt subject to caveats. Also where the principle of changing a green belt boundary has been established in a Local Plan, the detailed boundary could be incorporated into a Neighbourhood Plan.

Observation:

3.24 These changes are welcomed.

4 Other Observations

4.1 It is interesting that the focus of the changes is on the delivery of housing. Economic growth is still within the framework but the changes are focussed on boosting the supply and actual delivery of housing on site. A concern is that focussing attention towards housing supply may have implications on the amount of small and generally cheaper industrial sites. The CWLEP has raised concerns about this and is looking in to the issue.

4.2 There are transitional arrangements proposed which will apply the previous Framework to the examining of plans which are submitted on or before the date which is six months from the publication of the new Framework. This means that our own Local Plan will be considered against the current NPPF.

4.3 It is however proposed there will be no transitional period for the introduction of the Statement of Common Ground. As the Duty to Co-operate needs to be satisfied from the date of submission it is not an issue for our own Local Plan. It will directly affect those Plans yet to be submitted. As mentioned above however the Borough Council has a number of agreements which will provide the basis for the Inspector's consideration of the issue of the duty to co-operate.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 Any additional work which arises from the changes to the NPPF will be incorporated into the Local Plan budget wherever possible.

5.2 Legal and Human Rights Implications

5.2.1 The Local Plan will need to comply with any consequential changes that result in changes to regulations

5.3 Links to Council's Priorities

5.3.1 The Local Plan is linked to all aspects of the Council's priorities.

The Contact Officer for this report is Dorothy Barratt (719250).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background	Author	Nature of Background Paper	Date
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Paper No			
1	MHCLG	Consultation documents on changes to NPPF: https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework	5/3/18