

National Planning Policy Framework (July 2018)

Introduction

A total of 29,224 consultation responses were submitted on the draft National Planning Policy Framework (NPPF) following its publication on March 2018. While many question the extent to which the responses have been addressed, the final Framework was formally issued on 24 July just before the summer recess.

The Secretary of State, Rt Hon James Brokenshire MP, described it as a new planning rulebook to deliver more quality, well-designed homes in areas where they are needed. The intention, according to Brokenshire, is to *“make it easier for councils to challenge poor quality and unattractive development and give communities a greater voice about how developments should look and feel.”*

“Whether we agree with the Government’s revisions to the NPPF or not, it is good to have sight of the final document, concluding a lengthy period of uncertainty. Whilst there are many stragglers still to

arrive, further guidance and the standard methodology, for decision taking at least and plans early in the process we know what we are dealing with. For those plans that are better progressed, we have

transitional arrangements. So for now, we need to know both the old and new.”

Jacqueline Mulliner
Head of National Planning
Terence O’Rourke



Comparison with NPPF1 (March 2012)

We have identified the following key takeaways from the revised NPPF compared with the original version:

1 New format:

The revised NPPF has now been divided into 17 topic based chapters and the paragraph numbers changed. Steve Quartermain has highlighted that a key aspect of the redraft was making the NPPF less repetitive and clearer.

2 Presumption in favour of sustainable development (the Housing Delivery Test):

Although the presumption in favour of sustainable development where a local authority is unable to demonstrate a 5 year supply of deliverable housing is not new, the revised NPPF confirms the Housing Delivery Test by which local authorities will be judged by their success in delivering homes. The presumption will apply if delivery is significantly below the housing requirement (paragraphs 11 / footnote 7, 75 and 215).

3 Review of policies:

Confirms that policies in local plans should be reviewed to assess whether they need updating at least once every five years. Notably, it states that

reviews should be completed no later than five years from the adoption date of a plan (paragraph 33). It should also be noted that plans submitted on, or before the 24th January 2019, will still be considered against the 2012 version of the NPPF, and not therefore subject to the new requirements associated with plan making.

4 Consideration of neighbouring areas:

Inclusion of a new requirement for local authorities to produce statements of common ground between neighbouring councils broadening the definition of ‘effective’ in the tests of soundness to bolster the duty to cooperate (paragraph 35c).

5 Prematurity:

Refusal of planning applications on grounds of prematurity is not considered justified unless the development is so substantial or the cumulative effect so significant as to undermine the plan making process, and the emerging plan is at an advanced stage. The 2012 version of the NPPF did not contain any guidance on the issue of prematurity (paragraph 49).



6 Pre-commencement conditions (paragraph 55):

Pre-commencement conditions: such conditions should be avoided unless there is clear justification, with written agreement from the applicant required to the terms of such a condition, unless prescribed circumstances apply (from 1st October 2018) (paragraph 55).

7 Viability:

Where it is demonstrated that proposals comply with up-to-date policies that set out expected financial contributions, no viability assessment should be required to accompany the application (they should be assumed to be viable) (paragraph 57).

8 Standardised housing need methodology:

In setting the minimum number of homes required, strategic plans should be based on a local housing need assessment that uses the standard method contained in the National Planning Practice Guidance (NPPG) (paragraph 60).

9 Affordable housing:

Confirms that affordable housing should not be sought for developments that are not 'major' development (other than in designated rural areas) but that for major developments it should be at least 10% of total provision (paragraph 64). Exceptions/reductions however could apply if the entire development is Build to Rent, provides specialist accommodation, is self build or where brownfield land and vacant buildings are being redevelopment/being brought back into use.

10 Small sites provision:

In light of the important contribution small sites can make to the housing need, and in order to promote a good mix of sites, local planning authorities should ensure that at least 10% of their housing requirement is accommodated on sites of one hectare or less (paragraph 68) unless there are strong reasons why they cannot.

11 Securing implementation of housing development (paragraph 76):

Local planning authorities should consider imposing a planning condition to bring forward development, except where a shorter timescale could hinder the viability or deliverability of a scheme. It also encourages local planning authorities to consider why major sites have not been built out when considering subsequent applications (paragraph 76).

12 Entry-level exception sites:

Lending support for sites (less than one hectare in size / do not exceed 5% of the size of the existing settlement) not allocated for housing, to be developed to meet the needs of first time buyers or those looking to rent their first home (paragraph 71).

13 Productivity (economic growth):

New emphasis on increasing productivity and driving innovation, linking directly to the Government's Industrial Strategy (paragraph 80).

14 Refusal on highway safety grounds:

Refusal on highway safety grounds: new reference to development being able to be prevented or refused on highway grounds if there would be an unacceptable impact

15 Optimising density:

Minimum densities should be used for city and town centres and other locations that are well served by public transport (paragraph 123a). This is comparable to similar provisions proposed as part of the new London Plan.

16 Green Belt:

Protection of the Green Belt retained and strengthened. Before determining if exceptional circumstances apply in reviewing Green Belt boundaries, the strategic plan-making authority will need to have demonstrated that all other reasonable options have been considered to meet the need, specifically suitable brownfield sites and the optimising of development density. Material changes of use that preserve openness (e.g. Strategic Alternative Natural Greenspace – SANG) are confirmed not to be inappropriate development in the Green Belt (paragraph 146e).

17 Agent of Change Principle:

This principle places responsibility for mitigating impacts from current land uses or activities on a new development coming forward. If the new development could affect existing activities, for example by causing increased complaints, it would fall to this new development as the 'agent of change' to address potential conflict (paragraph 182).



Comparison with the draft

Whilst the majority of the final Framework is consistent with the draft, there have been subtle changes made throughout the document in response to consultation responses. The following are most notable:

(A) Small sites provision:

Changed from 20% of sites allocated, to at least 10% of their housing requirement, and rather than 0.5ha, these small sites should be of one hectare or less (paragraph 68a).

(B) Affordable Housing definition:

The definition of affordable housing has been amended to make clear that ‘social rent’, and ‘affordable rent’ products fall within the scope of what is referred to as ‘affordable housing for rent’ (annex 2, part a)). The definition of ‘other affordable routes to home ownership’ has also been amended so it is clear that other low cost home ownership products should be made available at a price equivalent to at least 20% below local market value (annex 2, part d)).

(C) Retail Flexibility:

In response to the well publicised changes taking place in the retail and leisure industries, changes have been made to encourage a more flexible approach to retail planning in town centres. Specifically, this includes removing the expectation in national policy that primary and secondary frontages need to be defined, although notably this does not preclude local authorities from applying this (paragraph 85).

(D) Standardised housing need methodology:

The accompanying revised National Planning Policy Guidance (NPPG) published alongside notes that the revised household projections to be released in September 2018 are likely to result in the minimum need numbers generated by the method being subject to a significant reduction. To ensure that it meets the aim to increase housing delivery, the Government is to consider adjusting the method after their publication with any changes consulted on at that time.

(E) Planning for large scale development:

Additional criteria applied for consideration when identifying locations, including critical mass, design quality (with reference to the Garden City principles) and making a realistic assessment of likely delivery rates.

(F) Protection for ancient and veteran trees:

The protection for ancient and veteran trees has been strengthened by including them as ‘irreplaceable habitats’, so that the ‘wholly exceptional reasons’ test in paragraph 175c) applies to both ancient woodland and ancient and veteran trees.

(G) Historic environment record:

New requirement for local planning authorities to maintain or have access to a record with up-to-date evidence about the historic environment in their area to assist in decision and policy making (paragraph 187).

(H) Economic growth - locational requirements of sectors:

In a change from the consultation version, the final Framework includes reference to the need for local planning authorities to recognise and address the locational requirements of different sectors (paragraph 82) with the needs of storage and distribution operations now specifically referenced.

(I) Starter Homes:

Definition within the glossary amended to refer to potential secondary legislation with reference to the previous maximum household income figures removed.

(J) Design:

The importance of design is further emphasised in the final version. In particular, it highlights that councils should try to ensure that the quality of approved development is not materially diminished between permission and completion, as a consequence of changes to the permitted scheme.



Further information

Pearce Gunne-Jones
Senior Planner

E pearce.gunne-jones@torltd.co.uk
T 0203 664 6755

www.torltd.co.uk

Please contact us should you wish to discuss the implications of the final Framework in more detail



TERENCE
ROURKE