

Annex 1 - National Planning Policy Framework – Draft Revisions

1. On 5 March 2018 the Ministry of Housing, Communities & Local Government (MHCLG) published for consultation a draft revised National Planning Policy Framework (NPPF). A summary of the main proposed changes are summarised below:

2. Plan-making

- 2.1 It is proposed that Local Planning Authorities (LPAs) are required to prepare statements of common ground with neighbouring authorities and other relevant bodies (including combined authorities, who are deemed to be additional signatories). It is the intention that this joint working will assist with identifying infrastructure requirements and whether development needs of an LPA can be met elsewhere. Detailed guidance is published through the Planning Practice Guidance (PPG).
- 2.2 When testing the soundness of local plans LPAs would be required to demonstrate the delivery of an “appropriate strategy” as opposed to the current test of “the most appropriate strategy”. This revision is proposed in the context of the requirement to prepare a proportionate evidence base.
- 2.3 It would be a requirement that Local plans should be reviewed every five years and updated as necessary, taking into account changing local circumstances and national policy. Transitional arrangements mean that the revised NPPF will only apply to local plans submitted for examination six months after the finalised publication of the revised NPPF, which is currently expected in Summer 2018.

3. Decision-making

- 3.1 With regard to viability in planning, it is proposed that where a development accords with all relevant policies in a local plan there is no need for a viability assessment to accompany the planning application. However, local plans should define circumstances in which a viability assessment is required to be carried out at the decision making stage. In addition to this, it is proposed that all viability assessments should be made publicly available. The revised PPG provides some clarity to the viability process including set definitions for key inputs such as Gross Development Value, Existing Use Values and Development Profits.
- 3.2 The consultation paper Supporting housing delivery through developer contributions (March 2018) raises the potential for affordable housing and infrastructure contributions to be set nationally and to be non-negotiable. In addition, it is also proposed that the existing S106 pooling restrictions be lifted in certain circumstances.

4. Delivering a sufficient supply of homes

- 4.1 The standard methodology for calculating objectively assessed need (OAN) for housing is to be used in determining housing targets, which is a figure determined centrally using household forecasts adjusted for local house prices and local earnings.
- 4.2 It is proposed LPAs will be required to identify 20% of all housing sites on small-sites of half a hectare or less. Local plans will be required to provide a housing target for designated neighbourhood areas. This figure will be prescriptive and will not be re-tested during a neighbourhood plan examination.
- 4.3 The requirements of the five-year housing land supply (5YHLS) have been increased through the implementation of a 10% buffer or clarification that a 20% buffer is required if housing delivery is persistently below the housing delivery test for a period of three years. The Housing Delivery Test assesses the actual delivery of housing through percentage measurement of the number of net homes delivered against the number of homes required in a plan-making authority area. Where the LPA cannot demonstrate a 5YHLS, or the housing delivery test indicates delivery substantially below (75%) the housing requirement, the presumption in favour of sustainable development will be implemented.
- 4.4 The housing delivery test will also influence whether LPAs have to prepare action plans to address a shortage in housing delivery. This will be required where a LPA falls below 95% of its housing requirement over a three year period. LPAs are encouraged to impose shorter time limit conditions than the default three year period to encourage faster implementation of planning permissions.
- 4.5 The revised NPPF proposes a change to the definition of affordable housing, with much greater emphasis on finding routes to home ownership rather than support for the rental market. The revised definition confirms that affordable housing is for those “whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)”. This new definition removes the differentiation between affordable and social rent, introduces starter homes, other discounted market sales housing and other affordable routes (shared ownership, equity loans and rent to buy) as affordable housing. The government proposes a requirement that major housing development provides at least 10% of homes to be available through affordable home ownership.

5. Ensuring vitality of town centres

- 5.1 The revised NPPF proposes that applicants would be required to “fully explore” town centre opportunities when undertaking a sequential assessment test, which could have implications for the level of evidence required. LPAs will be required to identify “edge of centre” sites for main town centre uses that are well

connected to the town centre and where viable town centre uses are not available.

6. Promoting sustainable transport

- 6.1 The policies on assessing the transport impact of proposals have been amended to refer to highway safety in order to make it clear that it is expected that designs should prioritise pedestrian and cycle movements, followed by access to high quality public transport (so far as possible).

7. Supporting high quality communications

- 7.1 The revised NPPF instructs LPAs to adopt policies which set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time. LPAs should also prioritise full fibre connections to existing and new developments, as these connections will, in almost all cases, provide the optimum solution.

8. Effective use of land

- 8.1 New policies support the implementation of minimum densities, particularly in town/city centres and locations with good public transport accessibility, including promoting the re-use of retail/employment land where there is a high housing demand. Other proposals include promotion of upward extensions and a flexible approach to policies/guidance relating to daylight and sunlight where it would inhibit making efficient use of a site.

9. Well-designed places

- 9.1 The revised NPPF encourages LPAs to provide more detailed design guidelines based on local context and promoting placemaking within communities, including the utilisation of assessment frameworks, thereby increasing the design quality of development. The previous requirement to avoid unnecessary prescription or detail on design has been removed.

10. Climate change

- 10.1 The revised NPPF clarifies that planning policies should support measures to ensure the future resilience of communities and infrastructure to climate change.

11. Flooding

11.1 The revised policies in the NPPF clarify that local plans should have regard to the cumulative impacts of flood risk, rather than just to or from individual development sites.

12. Natural environment

12.1 The revised NPPF clarifies that the 'agent of change' (or applicant) should be responsible for mitigating the impact on their scheme of potential nuisance arising from existing development. It has been updated to align with the 25 Year Environment Plan and includes additional policy on strengthening existing networks of habitats and taking air quality fully into account.

13. Sustainable use of minerals

13.1 The revised NPPF includes additional text with regard to on-shore oil and gas development. The Government is seeking views on whether the revised planning policy for minerals would sit better in a separate document, alongside the Government's planning policy for waste. Views are also sought on whether the use of national and sub-national guidelines on future aggregates provision remains a relevant approach in establishing the supply of aggregates to be planned for locally.

Adapted from the Indigo Planning Briefing Paper (March 2018)