

New National Planning Policy Framework 2018

Briefing Note

25/07/2018

Ref No : 301

The new National Planning Policy Framework has been published (24th July). The revised Framework should be read as a whole including its footnotes and annexes. It focuses on:

1. Building the right number of homes in the right places;
2. Promoting high quality design of new housing and places;
3. Attaching greater weight to Neighbourhood Planning; and
4. Greater responsibility and accountability of Councils and Developers for the delivery of housing.

The 'approved' Framework makes a series of subtle changes to the draft version, some of which may have not insignificant impact on planning decision, and in a number of areas the revised Framework adds clarification and new direction to the original published in 2012. In summary, the proposed changes to the Framework include:

1. From November 2018, Councils will have a new standard methodology for assessing housing need to increase the number of homes delivered each year;
2. A requirement for Councils to identify 10% of their housing requirement on sites no larger than 1 hectare;
3. New tests for alterations to Green Belt boundaries;
4. Changes to the definition of 'deliverable' and clarification of the meaning of 'major development';
5. Changes to the definition of sustainable development;
6. Increased robustness to test of soundness;
7. Upholding high quality design;
8. Promote airspace development as an efficient use of land;
9. Removal of offices from need for impact assessments;
10. Adds pressure on LPA's to determine applications as quickly as possible.

Standard Methodology for Assessing Local Housing Need

The Framework has refined Paragraph 35 from the initial draft in March to ensure LPA's meet the area's objectively assessed needs as a minimum rather than 'as much as possible'. The standard methodology remains unchanged

from the September 2017 consultation draft but will likely be reviewed in September 2018 following the publication of the 2016-based household projections. This will likely influence the decision of Authorities to submit their Local Plan prior to, of after, the January 2019 deadline depending on whether their housing needs are likely to rise or fall under the new regime.

Housing Delivery Test

The updated presumption in favour of sustainable development clarifies that the presumption will apply where delivery is less than 75% of the housing requirement from 2020, with a period of transition in 2018 and 2019 (paragraph 216). Essentially, planning permission should be granted where planning policies that are important to determining planning applications will be deemed out of date if the Council do not have a five year housing land supply or the results published in November 2018 indicate delivery is below 25% of the housing required over the previous three years. This is subject to clauses (i) and (ii).

MHCLG will publish annually the results of the Housing Delivery Test, starting in November 2018.

Green Belt Release

The revised NPPF sets out a new criteria to satisfy whether exceptional circumstances exist to allow Green Belt release to meet development needs. These include the assessment of all other reasonable options for meeting those identified needs as well demonstrating whether the strategy makes as much use as possible of suitable brownfield sites and underutilised land; optimises the density of development; and is informed by a Statement of Common Ground with neighbouring authorities as to whether they could accommodate some of the identified need for development. This is set out in a revision to the former criteria used in the original Framework.

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Tests of Soundness

To be considered positively prepared the Plan must provide a strategy which, as a minimum, seeks to meet the areas objectively assessed needs, and is informed by agreements with other authorities through Statements of Common Ground. In order to be justified, the Plan is only required to set out 'an' appropriate strategy rather than 'the most appropriate strategy'.

Greater Responsibility and Accountability of Councils

Councils will be expected to prepare a series of plans and actions to monitor performance and increase housing delivery, including;

1. Publishing a local enforcement plan to manage enforcement proactively;
2. Prepare an action plan when delivery falls below 95% of the housing requirement over the previous three years;

Affordable Housing

The Framework sets out that at least 10% of homes on major sites should be affordable with exemptions for Build to Rent, purpose built elderly or student accommodation, self-build or wholly affordable proposals.

The definition of Affordable Housing has also been broadened, as expected, to include affordable housing for rent, starter homes (as defined under Sections 2 and 3 of the Housing and Planning Act 2016), discounted market sales of at least 20% below market value and other shared equity or 20% below market value schemes.

Viability

The changes to the National Planning Practice Guidance which accompany the publication of the new Framework reaffirms the incentivisation of landowners to bring sites forward, whilst requiring a sufficient contribution to comply with policy requirements. There has also been an adjustment to the recommended acceptable profit of developers from 20% to 15-20% on GDV and powers Authorities to request data on the price paid for land (or expected to be paid if through an options agreement). The price paid for land is no longer a relevant justification for failing to accord with relevant policies in the Plan. All

viability assessments are likely to be published in full and the land promoter is to be engaged in plan-making from the outset to reflect policy costs on their proposals.

Small and Medium Sized Sites

the Government are seeking greater contribution to the supply of housing from small and medium sized sites with 10% of a Council's housing requirement coming from sites of no larger than one hectare. Local Planning Authorities are also now expected to work with developers to encourage sub-division of large sites to speed up the delivery of new homes.

Revised Definition of Deliverable and Major Development

To be included in a five year housing land supply, Councils must now demonstrate clear evidence that housing completions will begin on site within five years for sites with outline planning permission, permission in principle or allocated in the development plan or brownfield register. This now places the onus on the Council to demonstrate deliverability rather than the developer to prove a site is undeliverable. Small sites under 10 dwellings or sites with detailed planning permission will be considered deliverable in the five year period until permission expires unless there is clear evidence to prove otherwise.

Major Development is defined by the Government as a housing development of 10 or more dwellings or a site area of more than 0.5 hectares.

Neighbourhood Planning

A new test has been applied to the presumption in favour of sustainable development (paragraph 11d) that requires four criteria to be met if a Neighbourhood Plan is to outweigh the presumption in favour of sustainable development (paragraph 14). This test essentially gives greater weight to the role of Neighbourhood Planning to influence the location of development.

Once a Neighbourhood Plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan which covers the neighbourhood area where they are in conflict. Neighbourhood Plans may then be superseded by strategic or nonstrategic policies as they subsequently become adopted.



Good Design

Design quality should be considered throughout the evolution and assessment of individual proposals and applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. Permission should be refused for development of poor design and Local Planning Authorities are required to ensure that the quality of approved development is not diminished after planning permission has been granted, with explicit examples given of changes to details such as the materials used.

Decision Making

It is identified that decisions on applications should be made as quickly as possible. This could be concerning in respect of sacrificing good-decision making with rapid determination. Simplifying the process to enable development seems to have been behind the encouragement given to the use of Local Development Orders also.

Efficient use of land

There is also particular interest in the support for opportunities to use the airspace above existing residential and commercial premises for new homes. Those opportunities may well be tempered in practice though by upward extensions being particularly supported where the development would be consistent with the prevailing height and form of neighbouring properties and the street scene. Where there is an existing or anticipated shortage of land to meet housing needs, local planning authorities should refuse applications they consider fail to make efficient use of land.

Economy

Explicit reference is made to the need for planning policies and decisions to make provision for clusters or networks of knowledge and data-driven, creative or high technology industries as well as storage and distribution operations. This applies to a variety of scales and in suitably accessible locations.

Town Centre Uses

In recognition of the difficulties facing town centre vitality at present, the need to identify primary and secondary frontages and the uses allowed therein has been removed. The flexibility needed is also recognised with policies needing to allow centres to grow and diversify in a way that can respond to rapid changes in leisure as well as retail industries and allowing suitable mixed uses as well.

Offices have been removed from the need for impact assessments for development outside town centres, which are not in accordance with an up-to-date plan. This will only now apply to retail and leisure uses.

Highways Impact

Development can now be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is a stronger position on highway safety than the earlier draft of the Framework or the indeed the original Framework which only referred to the residual cumulative impacts on the road network were severe.

Heritage Impact

Greater emphasis is placed on the impact of a proposed development on the significance of a designated heritage asset. Weight should be given to the assets conservation and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm mounts to less than substantial, substantial harm or total loss of the assets significance.

Transition Period

The Framework came into force with immediate effect for development management, but there are transitional arrangements for Local Plans; Plans submitted to the Secretary of State before 24th January 2019 will be assessed against the old Framework and PPG.

<i>NPPF 2012</i>	<i>NPPF 2018*</i>
Achieving sustainable development Paragraph 6 – 17	2. Achieving sustainable development Paragraph 2 – 14
Paragraph 7	Paragraph 8
Paragraph 14	Paragraph 11
1. Building a strong, competitive economy Paragraph 18 – 22	6. Building a strong competitive economy Paragraph 80 - 84
Paragraph 21	Paragraph 81
2. Ensuring the vitality of town centres Paragraph 23 – 27	7. Ensuring the vitality of town centres Paragraph 85 - 90
Paragraph 23	Paragraph 85
Paragraph 24	Paragraph 86
Paragraph 26	Paragraph 89
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3. Supporting a prosperous rural economy Paragraph 28	Now within Section 6 Paragraph 83 - 84
Paragraph 28	Paragraph 83
4. Promoting sustainable transport Paragraph 29 – 41	9. Promoting sustainable transport Paragraph 102 - 111
Paragraph 32	Paragraph 108
Paragraph 35	Paragraph 110
Paragraph 39	Paragraph 105
Paragraph 40	Paragraph 106
5. Supporting high quality communications infrastructure Paragraph 42 – 46	10. Supporting high quality communications Paragraph 112 - 116
Paragraph 42	Paragraph 112
Paragraph 43	Paragraph 113
Paragraph 44	Paragraph 114
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Paragraph 46	Paragraph 116
6. Delivering a wide choice of high quality homes Paragraph 47 – 55	5. Delivering a sufficient supply of homes Paragraph 59 - 79
Paragraph 47	Paragraph 67
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7. Requiring good design Paragraph 56 - 68	12. Achieving well-designed places Paragraph 124 – 132
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Paragraph 63	Paragraph 131
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8. Promoting healthy communities Paragraph 69 – 78	8. Promoting healthy and safe communities Paragraph 91 – 95
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Paragraph 72	Paragraph 94
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9. Protecting Green Belt land Paragraph 79 – 92	13. Protecting Green Belt land Paragraph 133 – 147
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10. Meeting the challenge of climate change, flooding and coastal change Paragraph 93 – 108	14. Meeting the challenge of climate change, flooding and coastal change Paragraph 148 – 169
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11. Conserving and enhancing the natural environment Paragraph 109 – 125	15. Conserving and enhancing the natural environment Paragraph 170 – 183
Paragraph 109	Paragraph 170
Paragraph 115	Paragraph 172
Paragraph 118	Paragraph 175/176
Paragraph 119	Paragraph 177
Paragraph 120	Paragraph 180
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12. Conserving and enhancing the historic environment Paragraph 126 – 141	16. Conserving and enhancing the historic environment Paragraph 184 – 202
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13. Facilitating the sustainable use of minerals Paragraph 142 – 149	17. Facilitating the sustainable use of minerals Paragraph 203 – 206
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Plan-making Paragraph 150 – 185	3. Plan-making Paragraph 15 – 37
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Decision-taking Paragraph 186 – 207	4. Decision-making Paragraph 38 – 58
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Annex 1: Implementation Paragraph 208 – 219	Annex 1: Implementation Paragraph 212 – 217
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*It is recommended to review each change for amendments to wording.