

## **New National Planning Policy Framework (July 2018)**

### **Briefing note – August 2018**

#### **Introduction**

This note provides an initial briefing on the National Planning Policy Framework (NPPF) published on 24<sup>th</sup> July. It sets out the key changes from the 2012 NPPF, and more minor changes where relevant to the NHS and the work of the London Estates Board. It identifies relevant areas where Government has indicated further planning practice guidance will be issued.

#### **Background**

The Government consulted on its proposed draft replacement to the National Planning Policy Framework (NPPF 2012) between 5<sup>th</sup> March and 10<sup>th</sup> May 2018. The NPPF is supported by Planning Practice Guidance (PPG), issued on a topic basis, and updated as required.

At the same time, Government consulted on reforms to developer contributions (Section 106/CIL) and published proposed revisions to the PPG covering viability, housing supply and housing need. The proposed changes reflect the Government's Housing White Paper and ministerial statements focusing on the priority of increasing housing supply.

HUDU submitted a response to the NPPF and developer contributions' consultation on behalf of the London CCGs and a collaborative national response was submitted by national NHS organisations.

The Government published its response to consultation and the new NPPF on the 24<sup>th</sup> July together with updated PPG. There were 29,224 responses to the consultation. The Government response to the developer contributions consultation has not been published but is anticipated in the autumn.

Local planning authorities' (LPAs) development plans are required to be in conformity with national policy and forms part of their examination. LPAs will be considering if their plans need amendment following the changes to the NPPF. The NPPF is a material consideration in determining individual planning applications.

#### **New National Planning Policy Framework - initial analysis**

##### Summary

The Government has made only a few changes to the consultation draft NPPF in the published document. Many of these are to increase clarity and the ease of reading. The structure and chapter headings remain as in the draft document with Chapter 8 remaining 'Promoting healthy and safe communities'. However, the changes from the 2012 NPPF are significant in some areas.

## Summary Points

- The presumption in favour of sustainable development remains central although reworded.
- Omission of the '12 core planning principles' in the 2012 document as a section but broadly included in the relevant chapters to avoid duplication.
- Expectation objectively assessed needs will be met, unless strong reasons not to, including unmet needs from neighbouring areas.
- The Duty to co-operate remains with an increased role for Statements of Common Ground as evidence that the duty has been met and effective joint working is in place.
- Continues and strengthens the plan led system with LPAs to review policies every 5 years.
  - Updated guidance on the plan making process including statements of common ground, evidence requirements and for plan reviews will be published including clarifying the circumstances where an earlier review will be required.”
- Distinction between strategic policies (which should look over a minimum of a 15-year period) and non-strategic policies (included in local plans, when these are not considered strategic policies and in neighbourhood plans). Both 'strategic' and 'non-strategic' policies are defined in the glossary (Annex 2). This addresses concerns that the draft referred to strategic plans and that local plans may be optional. It is clear that strategic and local policies are expected.
- Introduction of a standardised methodology for assessing local housing need and a housing delivery test. These have been unchanged from the consultation document. However, the methodology may be revised following the publication in Sept 2018 of the new household projections. From November 2018 councils will be assessed against the numbers of homes built in their area, which will prevent councils setting unachievable housing figures in Local Plans. It will test and penalise councils under-delivering over a three-year period and will provide opportunities for building where a Local Planning Authority cannot demonstrate a deliverable five year housing supply.
  - The PPG section on housing and economic needs has been updated this does not constitute the full guidance for this section and further guidance will be added.
- Continuing requirement to identify specific, deliverable sites yrs 1-5 of plans, specific developable sites and broad locations for growth yrs 6-10 and, where possible years 11-15.
- The definition of 'deliverable' is as in the draft with one minor clarification – rather than “small sites” “sites that are not major development” is used; these together with sites with detailed planning permission should be considered deliverable unless there is clear evidence that the homes will not be delivered within 5 years.
- The requirement to provide a five-year housing land supply continues.
  - Further guidance in relation to the requirement to provide a five year housing supply is promised.
- 10% of homes are expected to be built on small and medium sized sites (<1 hectare). This is a dilution of the 20% on small sites (0.5 hectare in the consultation draft).

- Increased focus on densification of town centres, use of small sites and encouraging the best use of land.
  - Further guidance in the application of the sequential test for town centre uses is referenced in the government response.
- Requirement for plan policies to address the housing requirements of groups with particular needs, students, and people who rent their homes have been added as well as travellers. Reference is also made to families with children, and older people and people with disabilities.
  - The government's response to consultation promises updated guidance for housing for older and disabled people.
- Encourages applicants to engage with both non-statutory and statutory consultees in pre-application consultation to resolve issues, such as affordable housing and infrastructure and to secure good design.
- Continues to promote healthy and safe communities proposing that policies and decisions should consider the social, economic and environmental benefits of estate regeneration and recognition of the role planning can play in promoting social interaction and healthy lifestyles. The reference to 'environmental' benefits has been added to the final document.
- Requires authorities to identify additional development opportunities arising from strategic infrastructure investment as part of sustainable development.
- Increased focus on the importance of design in planning, buildings and the spaces in between. Plans to set out a clear design vision and expectations, supported by tools and checklists, including Building for Life.
  - The Government plans to reflect on the broad range of responses in relation to design standards and publish updated guidance to support LPAs in delivering high quality places.
- A new approach to viability through which plans to set out the developer contributions expected from development. It clarifies that when development proposals accord 'with all the relevant policies in an up-to-date development plan' there will be no need to submit a viability assessment'.
  - New viability guidance makes it clear that it is for the LPA to decide when a viability assessment is justified and the expectation is that this will be made public. Plans won't set out where viability assessments will be required with viability being front loaded to the plan-making process.
- Encouragement to shorten the time limit for the implementation of planning permissions to less than three years.
- Continued commitment to the protection the Green Belt.
- The definition of Affordable Housing is broadened to include starter homes, discounted market sales housing and build to rent and 10% affordable homes for sale should be included on all major sites. Reference to social rent appears after being excluded from the draft along with affordable housing for rent. 20% below market levels is the marker for affordable products.
- Amendments to the tests of 'soundness' for plans to ensure effective co-operation, positively worded, provide an appropriate strategy for the area with relevant tests and

supporting evidence proportionate. The previous NPPF required the plan to set out 'the most appropriate strategy'.

- Reference to town centres being in decline has been removed and a recognition of the rapid changes affecting the retail sector and that diversification is key to the long-term vitality and viability of town centres is included. Planning policies should clarify the range of uses permitted in town centres and primary frontages. There is no requirement to define secondary frontages.
- Paragraph 81. States that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth and seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment be flexible enough to accommodate needs not anticipated in the plan.

### **Points of particular relevance to London CCGs, the London Estates Board and the wider NHS.**

The 12 Core Planning Principles at the beginning of the 2012 NPPF have been removed. These had included "take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs". The principles are covered by references throughout the document including the overarching economic, social and environmental objectives Chapter 2 Achieving Sustainable Development, Chapter 3 Plan-making which includes the requirement to maintain co-operation, provision of infrastructure, strategic policies and developer contributions. Health is specifically referenced in Chapter 8 Promoting Healthy and Safe Communities, although other chapters are equally important and importantly the NPPF has to be read as a whole including annexes and footnotes.

Chapter 3 Plan-making. This chapter encourages early engagement with statutory and non-statutory planning consultees on proposed applications at the pre-application stage. CCGs are statutory consultees in the plan-making process but not the planning application process.

Paragraph 34 says plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan."

The option for plans to set out circumstances when further viability assessment may be required in determining individual planning applications is removed. Where a viability assessment is needed and can be justified this should reflect the recommended approach in national planning guidance, including standardised inputs, and be made publicly available. "The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case including whether the plan/evidence is up to date, and any change site circumstances since the plan was brought into force."

## Chapter 5 Delivering a sufficient supply of housing

This chapter is at the heart of the new NPPF reflecting the Government's Housing White Paper. New standard methodology for assessing housing need and the new Housing Delivery Test are central to this. Paragraph 68 sees a dilution of the draft which referred to 20% of housing on small sites (<0.5 ha) however, responding to concerns from the development sector the published version changes this to 10% on small and medium sized sites (<1 hectare). In London small sites (< 0.25 ha as defined by the London Plan) accounts for a far higher proportion of housing, and accounts for over 50% of new homes for some boroughs.

## Chapter 7 Ensuring the vitality of town centres

Reference to town centres being in decline has been removed and a recognition of the rapid changes that are affecting the retail sector and, as a consequence, town centres. It recognises that diversification is key to the long-term vitality and viability of town centres, to 'respond to rapid changes in the retail and leisure industries'. Accordingly, planning policies should clarify "the range of uses permitted in such locations, as part of a positive strategy for the future of each centre".

Chapter 8 Promoting Healthy and Safe Communities has not seen any major change. However paragraph 93 relating to estate regeneration now refers to planning policies and decisions should consider the social, economic, and **environmental** benefits The Government responses says it will consider what additional or revised guidance is needed to support the policies in this chapter, including the role of planning in reducing crime and malicious threats.

Chapter 11 Making effective use of land encourages mixed use schemes, more intensive use of land, and public sector being identified where it may be suitable for meeting development needs. It includes specific reference to facilitating land assembly, where possible, and using compulsory powers where this is considered beneficial to 'meeting development needs and/or secure better development outcomes'. It refers to achieving 'appropriate densities taking into account a range of factors including the local character, market conditions, housing requirements and "the importance of securing well-designed, attractive and healthy places". It expects densities and the use of minimum densities in some areas and seeking to optimise the use of land

Chapter 12 Achieving well-designed places now makes explicit that high quality buildings and places is fundamental to the planning process and that design expectations should be made clear at an early stage in policies and using supplementary planning documents with visual guides such as design guides and tools. The increased focus on the quality of design of developments includes the buildings and the spaces between Paragraphs 127 f) has been expanded to now read 'create places that are safe, inclusive and accessible and **which promote health and well-being**, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The **bold** text is an addition requested in the CCG/HUDU response to the consultation.

## Timescale

The NPPF's policies came into effect straight away. However, local plans submitted before the end of January 2019 will be examined against the 2012 framework. Development plans

submitted after 24 January 2019 - six months after its publication will be examined under the new document's policies.

The new Housing Delivery Test will apply from the day after the Housing Delivery Test results are published in November 2018. There are transitional provisions.

### **Government Response to the Consultation**

The Government's response to the consultation explains "National planning guidance will be further amended to provide additional detail on how some aspects of the plan-making chapter will be put into practice, including: the statement of common ground, evidence base requirements and plan reviews"

#### Links

National Planning Policy Practice (July 2018)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728643/Revised\\_NPPF\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf)

Government response to the March-May 2018 consultation representations.

<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

Updated planning practice guidance (PPG) Viability <https://www.gov.uk/guidance/viability>