

Councillors Briefing Note

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The Revised National Planning Policy Framework (NPPF) – Published July 24th 2018

Purpose of Report

To provide an update to members on the introduction by the government of a revised version of the National Planning Policy Framework ('The Framework') published on July 24 2018. It replaces the first NPPF that was produced in 2012. The Framework is important as it sets out the government's planning policies for England and how they should be applied. Development plans (including the emerging Wiltshire Local Plan and Neighbourhood Plans) have to be compliant with these policies when being prepared and they form an important material consideration in the determination of planning applications. As the new Framework takes effect from the date of publication, the policies it contains are in force now.

Background

The government introduced the first NPPF in March 2012 to replace a raft of separate policy documents. Since then, the Government has made it clear, through such documents as the Housing White Paper, that the delivery of sufficient numbers of new housing is a central aim of government policy. They have also produced written ministerial statements on a wide range of planning subjects and introduced new planning legislation relating to development plans. This has meant that the 2012 Framework was looking increasingly outdated, and the revised Framework seeks to bring national planning policy up to date and fulfil commitments made in the Housing White Paper to increase the supply of housing.

The revised Framework is longer than the original (73 pages compared to 59 in 2012). This has allowed a new chapter to be introduced on 'Making effective use of land' and an extended glossary. The government has also moved the chapters on plan making and decision making to the front of the document, demonstrating the importance of these aspects to delivery. Whilst the revised framework aims to put in place policies to deliver the government target of 300,000 new dwellings a year, it seeks to promote the delivery of these through good design, and with environmental safeguards to protect areas or assets of particular importance. There is new guidance on viability, to discourage developers from paying excessive prices for housing and a renewed emphasis on 'front-loading' - getting things agreed at the plan-making stage. In place of minimising harm to matters such as the natural environment and biodiversity, the wording encourages 'enhancement' and 'net gains'

There is also a great deal of continuity - the government's aim is still to achieve sustainable development, pursuing economic, social and environmental objectives in a mutually supportive way. The wording in many of the chapters, such as those on the historic environment and on the use of minerals is little changed from the 2012 version, although now in different paragraph numbers.

However, there are also significant changes, and the remainder of the briefing note addresses these, although it should be appreciated that this is a summary focusing on the key changes and does not attempt to identify every change the government has made.

Plan Making (Chapter 3)

The opening line of the chapter on plan making restates the government's belief that the planning system '*should be genuinely plan-led*'.

The Framework makes clear that going forward, development plan policies must be categorised as either 'strategic' or 'non-strategic.' Strategic policies set out the overall strategy for the pattern, scale, and quality of development and must make sufficient provision for housing, employment, leisure and other commercial development, as well as infrastructure, community facilities and the conservation and enhancement of the environment. Non-strategic policies should be used for setting out more detailed policies for specific areas, and can include allocating sites and shaping the environment at local level through neighbourhood plans, although non-strategic policies can also be included in local plans covering wider areas, and are not restricted to neighbourhood plans.

The Framework states that strategic policies must plan to meet the 'objectively assessed needs' over the plan period. Furthermore, local planning authorities are under a duty to co-operate with neighbouring authorities on matters including infrastructure and whether development needs that cannot be met wholly within a particular area could be met elsewhere.

To ensure that plans are kept up to date, the framework refers to the legal requirement to review local plan every five years, taking account of changing circumstances and any relevant changes in national policy. New plans must demonstrate that they follow *an* appropriate strategy (the previous requirement that it must be *the* most appropriate strategy has been dropped) - and that the strategy accommodates any unmet need from neighbouring areas where it is practical to do so and consistent with achieving sustainable development. Plans should also set out the developer contributions expected from development, which should not undermine the deliverability of the plan.

Decision Making (Chapter 4)

The chapter restates the legal requirement - *that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*. Decisions should be made '*as quickly as possible and within statutory timetables unless a longer period has been agreed by the applicant in writing*'.

The weight to be given to relevant policies in emerging plans is spelt out - with the weight increasing where the plan is more advanced and there are no unresolved objections to relevant policies. Where there are unresolved objections to relevant policies, the weight that can be accorded them will be less and limited (because an inspector will need to resolve the conflict at the examination).

Planning conditions should be kept to '*a minimum, and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*'.

Developers are encouraged to engage in pre-application discussions, both with the local planning authority, and with the local community, although it is noted that they cannot be required to do so.

A new section on viability puts the emphasis firmly on the applicant to demonstrate whether particular circumstances justify the need for a viability assessment of an application. Separate Planning Practice Guidance accompanying the Framework sets out a recommended approach for

carrying out such assessments and also makes it clear that the government expects them to be made publicly available in most circumstances. The expectation going forward with future local plans is that early engagement at plan making stage will ensure that site allocations take account of the policy requirements, minimising any requirement for viability assessments at application stage.

Delivering a sufficient supply of homes (Chapter 5)

This chapter was titled 'Delivering a wide choice of quality homes' in the 2012 version. The change from 'choice' to 'sufficient supply' recognises the government objective of '*significantly boosting the supply of housing*'. To help achieve this, the Framework requires the local housing needs assessment that underpins the housing requirement in local plans to be undertaken using a standard method set out in national guidance. This should be undertaken for the whole of a local planning authority area.

The local planning authority is required to identify in its planning policies sites for the delivery of housing, with a new condition that at least 10% of the housing requirement should be delivered on sites no larger than one hectare, unless there are strong reasons why this 10% target cannot be reached. This is to promote the development of small and medium sized sites that can be built out relatively quickly. Neighbourhood planning groups are similarly encouraged to consider the opportunities for allocating sites of this size in their area.

The definition of affordable housing is widened to include affordable home ownership, with sites granted permission for more than 10 houses expected to deliver 10% of the homes granted permission for affordable home ownership in most circumstances as part of the overall affordable housing requirement. (There are exceptions for developments such as specialist accommodation for groups of people with specific needs, where a 10% home ownership requirement would be impracticable).

A new definition of 'entry level' homes is included, with local planning authorities encouraged to support the development of sites for such housing as 'exception sites' adjacent to existing settlements and proportionate in size to them. This policy does not apply to settlements in AONBs or green belts.

The Framework notes that meeting a requirement for large numbers of new homes can often be '*best achieved*' through planning for larger scale development, *such as new settlements or significant extensions to existing villages and towns, provided they are well located and can help meet identified needs in a sustainable way.*

The need for local planning authorities to maintain a five-year land supply of deliverable housing sites, together with a suitable buffer is restated. An additional Housing Delivery Test (HDT) will also be introduced from November, whereby local planning authorities have to monitor progress in building out sites that have permission. Where a local planning authority cannot demonstrate a five year land supply, or where delivery falls substantially below the housing requirement over the previous three years, then the planning policies in the development plan which are most important for determining the application will be considered out of date, and planning permission for new housing should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or the site in question would affect a protected asset (such as an AONB, listed building, conservation area etc - the Framework defines the list of protected assets). Where the HDT indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority is required to prepare an action plan to assess the causes of underperformance and identify actions to increase delivery in future years.

The presumption against isolated housing in the countryside remains, although the list of exceptions is widened to include where '*the development would involve the subdivision of an existing residential dwelling*'.

Making effective use of land (Chapter 11)

This new chapter in the Framework promotes the use of brownfield land for housing and encourages higher densities in appropriate locations, particularly where there is an existing or anticipated

shortage of land for meeting identified housing needs. However, this is balanced by the recognition that policies and decisions need to take into account *'the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive and healthy places'*.

Re-allocating land for a more deliverable use that can help meet identified needs is encouraged if the local planning authority consider that there is no reasonable prospect of an application coming forward for the use allocated in the plan.

Local planning authorities are encouraged to take a proactive role in identifying and helping to bring forward land suitable for meeting development needs, including identifying opportunities to facilitate land assembly where this can help secure better development outcomes.

Brief comments on other chapters in the Framework

Building a strong, competitive economy (Chapter 6) - the government continues to give significant weight on the need for planning policies and decisions to support economic growth, *'taking into account both local business needs and wider opportunities for development.'*

Planning policies and decisions should recognize and address the specific locational requirements of different sectors, including *'storage and distribution operations at a variety of scales and in suitably accessible locations'*.

In a new section on supporting a prosperous rural economy, planning policies and decisions should recognize that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, but in locations that are sensitive to their surroundings and where they do not have an unacceptable impact on local roads.

Ensuring the vitality of town centres (Chapter 7) - there is little difference in this chapter from the 2012 version. The government have maintained the 'town centre first' approach for retail and leisure uses and local planning authorities are still required to carry out a sequential test to planning applications for town centre uses which are not in an existing centre, nor in accordance with an up to date plan.

Promoting healthy and safe communities (Chapter 8) - the government have added the word 'safe' to the heading of this chapter as a change from the 2012 version. There is encouragement to plan for the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

A new section on promoting public safety and taking account of wider security and defence requirements is included, with the aim being to reduce vulnerability and increase resilience and public safety. Policies and decisions should also ensure that operational defence sites *'are not affected adversely by the impact of other development proposed in the area'*.

Promoting sustainable transport (Chapter 9) - there is little change from the policies in the 2012 version, with the emphasis remaining on identifying, assessing and mitigating the environmental impacts of traffic and focusing significant development on locations that are, or can be made, sustainable. Applications for development are required to give *'first priority'* to pedestrian and cycle movements, encourage public transport use, and to address the needs of people with disabilities and reduced mobility.

Where proposals arise for new or expanded distribution centres, they should make provision for sufficient lorry parking to cater for their anticipated use.

Supporting high quality communications (Chapter 10) - the provision and expansion of electronic communication networks remains a Government priority that planning policies and decisions should support. The requirements for encouraging mast sharing and leaving health safeguards to International Commission guidelines is retained from the 2012 version.

Achieving well-designed places (Chapter 12) - this chapter has been strengthened to reflect the government aim of seeking to ensure that higher housing numbers are delivered through the '*creation of high quality buildings and places*' which is seen as being '*fundamental*' to what the planning and development process should achieve. Greater encouragement is given to early discussion between applicants, the local planning authority and local community, with a warning that those applications where there has been '*early, proactive and effective engagement with the community should be looked on more favourably than those that cannot*'. Developments should be '*sympathetic to local character and history, whilst not preventing or discouraging appropriate innovation and change*'. There is a new warning that local planning authorities should seek to ensure that the quality of approved development '*is not materially diminished*' between permission and completion as a result of changes being made to the permitted scheme. There is recognition that Neighbourhood Plans can play an important part in '*identifying the special qualities of each area and explaining how this should be reflected in development*.'

Protecting green belt land (Chapter 13) - the government have restated their commitment in national planning policy to protect the greenbelt from inappropriate development. The Framework clarifies that burial grounds and allotments are not inappropriate development. It also sets out a procedure for how green belt boundaries can be altered through strategic plans, but makes it clear that such alterations should only be considered in exceptional circumstances, and only where all other options for meeting identified needs for development have been fully examined.

Meeting the challenge of climate change and flooding (Chapter 14) - whilst the government restates their commitment to renewable energy in principle, applications for energy development involving onshore wind turbines are only to be supported in areas identified in development plans as suitable for wind energy development, and where the local community backs the project. References in the 2012 version to zero carbon development and energy efficiency in buildings have been omitted, and now any local requirements for the sustainability of buildings '*should reflect the government's policy for national technical standards*.' Policies on minimizing flood risk are restated, and a new paragraph is included requiring major developments to incorporate sustainable drainage systems, including maintenance arrangements for the lifetime of the development.

Conserving and enhancing the natural environment (Chapter 15) - the protection of valued landscapes is retained, with great weight still afforded to conserving and enhancing National Parks and Areas of Outstanding Natural Beauty. Major development in these should be refused planning permission, other than in exceptional circumstances, where it can be demonstrated to be in the public interest. However, for this one purpose only, the definition of what constitutes '*major development*' in these areas is a matter for the local planning authority as decision maker to determine. Government policy remains that decision making should enhance the natural environment by recognizing '*the intrinsic character and beauty of the countryside*', and should seek to '*minimise impacts on and provide net gains for biodiversity*'. Development resulting in the loss of '*irreplaceable habitats*' - a new definition that has been widened to include ancient woodland and veteran trees - should be refused unless there are wholly exceptional reasons. Planning decisions should also take into account Air Quality Management Areas and in relation to new developments next to existing community or business facilities that generate noise, the applicant should be required to provide suitable mitigation (rather than the burden being placed on the existing business or community facility).

Conserving and enhancing the historic environment (Chapter 16) - this chapter of the Framework is little changed from the 2012 version. The need to assess whether a development will harm a heritage asset, and if so, whether that harm is substantial or less than substantial is retained as Government policy, with great weight to be given to the asset's conservation '*irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance*.'

Facilitating the sustainable use of minerals (Chapter 17) - one of the questions raised during the government consultation on a revised draft of the Framework was whether minerals planning policy should be dealt with separately, but the government has decided to keep it within the Framework.

There is little change from the 2012 version, although one addition is that minerals planning authorities are now advised that they should *'recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy, and put in place policies to facilitate their exploration and extraction'*.

Transitional Arrangements - Neighbourhood Plans that are submitted to the council before 24 January 2019 can still be considered under the policies in the previous Framework. This is to avoid neighbourhood planning groups having to re-do work in the light of any changed policies in the new Framework. For local planning authorities, the threshold for passing the Housing Delivery Test will be raised incrementally between the introduction of the test in November 2018 and the second anniversary in November 2020.

Not included in The Framework - Government 'Planning Policy for Traveller Sites' is contained in a separate document last updated in 2015 and the national 'Planning Policy for Waste' was published in October 2014. These remain unchanged by the new Framework and should be read in conjunction with it.

In addition, the Government also publish Planning Practice Guidance (PPG), which is an online only source of government guidance on planning matters that is regularly updated. On the same date as the new Framework was released, the Government published detailed PPG on viability assessments to accompany the Framework.