

<b>Report To:</b>	<b>Planning Committee</b>	<b>Date:</b>	<b>16th August 2018</b>
<b>Heading:</b>	<b>NATIONAL PLANNING POLICY FRAMEWORK UPDATE</b>		
<b>Portfolio Holder:</b>	<b>LEADER OF THE COUNCIL</b>		
<b>Ward/s:</b>	<b>ASHFIELD</b>		
<b>Key Decision:</b>	<b>No</b>		
<b>Subject to Call-In:</b>	<b>No</b>		

### **Purpose of Report**

To inform Members of the implications arising from the revised National Planning Policy Framework (NPPF), published by the Government on 24<sup>th</sup> July 2018.

### **Recommendation(s)**

The Committee notes the contents of the Report.

### **Reasons for Recommendation(s)**

To bring to Members' attention the more significant implications arising from the revised NPPF.

### **Alternative Options Considered**

*(with reasons why not adopted)*

Not applicable.

### **Detailed Information**

The Ministry for Housing, Communities and Local Government (MHCLG) issued the revised National Planning Policy Framework (NPPF) on 24<sup>th</sup> July and it came into effect on publication. It follows on from consultations on the draft NPPF, the Housing White Paper: Fixing Our Broken Housing Market and Planning for the Right Homes in the Right Places.

In addition to new policy areas, there have also been changes to policy wording from the NPPF 2012. Some of the key implications are set out below. It should be noted this is not a definitive list and reference should be made to the NPPF for the full wording of paragraphs.

The NPPF in paragraph 214 identifies the following: *‘The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.’* Therefore, the Inspector will consider the emerging Ashfield Local Plan at Examination against the provisions of the NPPF 2012.

## **Overview**

The NPPF sets out Government's planning policies. The structure of the 2018 NPPF is markedly different from the 2012 edition, being based on subject related chapters.

A central theme of the NPPF is the Government's "ambition" to build 300,000 new homes a year by the middle of the next decade. Eighty-five of the proposals set out in the Housing White Paper and the Budget have been implemented in the NPPF.

There is an emphasis on up-to-date plans, joint working and ensuring that planning permissions are brought forward to deliver new homes.

The core planning principles in the NPPF 2012 have been deleted, though their content is largely reassigned to relevant chapters.

## **Achieving sustainable development (Para 7 -14)**

The NPPF retains the presumption in favour of sustainable development (para 11) but changes have been made to the wording. In summary:

- For plan-making the amended wording includes the requirement to provide for objectively assessed needs for housing, as well as any needs that cannot be met within neighbouring areas.
- For decision-taking, approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission. (The tilting balance)

**The tilting balance** means that in the absence of relevant up to date development plan policies, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise. Potentially this remain as one of the most important areas for the Council where planning permission is sought on unallocated sites or for which the development plan supports a refusal of planning permission. In this context, a new footnote to paragraph 11 clarifies the meaning of "out-of-date" in relation to housing. It includes situations where the Council cannot demonstrate a five year housing supply of deliverable housing sites (with a buffer) or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement.

## **Plan-making (paras 15 -37)**

Strategic Policies: The NPPF draws a distinction throughout between strategic policies and non-strategic policies. Strategic policies are required to be made explicit, covering a minimum 15 year period from adoption. 'From adoption' is new wording which has an implication that the Council will have to look further into the time horizon. For example, if the new NPPF were applicable to the Local Plan at Examination, the Council would have to plan for housing numbers and associated site allocations to 2034 rather than 2032. (960 more dwellings).

Cooperation: There is an emphasis on Local Authorities, Local Enterprise Partnerships, Local Nature Partnerships and infrastructure providers working together. A Statement of Common Ground is required to evidence that the statutory duty to cooperate has been met.

Review: "Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future."

Developer Contributions: The NPPF expects that plans should set out the contributions expected from development but such policies should not undermine the delivery of the Plan. (Para 34). The emphasis is on viability at the plan making stage.

## **Decision-taking (paras 38 - 58)**

Pre- application engagement: There is an emphasis on all parties (including statutory consultees) to undertake pre-application engagement to resolve issues, to deliver improved infrastructure and affordable housing. However, the NPPF in paragraph 40 that Local Planning Authorities (LPAs) cannot require a developer to engage before submitting a planning application.

Prematurity: It is set out in paragraph 49 that a refusal of a planning application on the grounds of prematurity will rarely be justified other than where:

- The development is so substantial or the cumulative impact is so significant so as to undermine the local plan process, and
- The emerging plan is at an advance stage but is not yet part of the development plan for the area.

Viability: Paragraph 57 sets out that "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. " It puts the burden on applicants 'to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage'. In addition, the onus is placed on the decision maker to decide the weight to be given to the viability assessment 'having regard to all the circumstances in the case'.

## **Delivering a sufficient supply of homes (paras 59-79)**

The government's objective is to significantly boost the supply of homes (para 59). Significant changes are introduced in relation to the assessment of housing need and ensuring that housing sites with planning permission are developed for housing. This is reflected in:

- Identifying Local Housing Needs: The requirement in the NPPF 2012 to prepare a Strategic Housing Market Assessment to assess full housing needs over the housing market area has been replaced by the introducing of a 'standard method' of calculating housing for each council. The standard method is set out through Planning Practice Guidance (PPG). For Ashfield, the emerging Local Plan at Examination identifies a requirement of 480 dwellings per year. The Government released data as part of a consultation (Sept 2017) where, using the standard method, there was a requirement for Ashfield of 519 dwellings per year.

The standard method will identify local housing need based on household projection figures to be released in September 2018. However, the Government has made it clear that they will consider adjusting the standard method after the projections are released to ensure it is consistent with the goal of ensuring 300,000 homes are built per year by the mid-2020s. Consequently, the methodology may change following the release of September's household projections through amended PPG.

The assessment of housing requirements for the Council could include neighbouring areas requirements. The NPPF (para 60) set out that any needs that cannot be met by neighbouring areas should be taken into account in establishing the amount of housing to be planned for.

- Housing delivery test: A housing delivery test will impose sanctions on councils failing to meet housebuilding targets. Where the test indicates delivery of below 95 per cent, an authority should prepare an action plan "to assess the causes of under-delivery and identify actions to increase delivery in future years". If delivery falls below 85 per cent, councils must plan for an additional 20 per cent buffer on their housing land supply. From 2020, the presumption in favour of sustainable development (the tilted balance) will apply where delivery is below 75 per cent of the authority's housing requirement.
- Delivery –The new definition of "deliverable" in Annex 2 of the NPPF is significant. This sets out that sites with outline planning permission, permission in principle, allocated sites or sites identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
- Presumption in favour of sustainable development (5 Year Supply and the tilted balance): This is triggered where a council cannot demonstrate a five-year housing supply against their housing requirements or where delivery of housing has been substantially below the housing requirement over the previous three years (Housing Delivery Test).

### Affordable housing

There have been a number of changes in relation to affordable housing including:

- The definition of affordable housing has been revised (See NPPF Annex 2: Glossary, page 64). This widens the definition of affordable housing to include starter homes, discounted market sales housing (at 20% below the local market value) and "other affordable routes to home ownership". The NPPF reinserted "Social Rent or Affordable Rent" in the definition of "affordable housing for rent" which was omitted from the consultation draft NPPF.
- Affordable housing contributions should not be sought for developments of less than 10 dwellings or 0.5 ha. (Other than in designated rural areas). This is a change from the Ministerial Statement which set out that affordable housing should not be sought from

developments of 10 units or less and which is reflected in the Council's Affordable Housing Policy in the emerging local plan.

- It identifies that 10% of homes on major sites should be available for affordable home ownership (with certain exceptions).
- Pursuant to paragraph 62 and footnote 27 of the NPPF, where a need for affordable housing is identified planning policies should specify the type of affordable housing required by applying the definition of Annex 2 in the Framework.

#### Other aspect:

- Large Sites: It states, "The supply of large numbers of new homes can often be best achieved through planning for larger scale development such as new settlements and significant extensions to existing villages and towns." (Para 72).
- Smaller sites: The NPPF requires that at least 10% of sites allocated for housing in plans be accommodated on sites no larger than one hectare. (Para 68)
- Countryside and housing: The NPPF provides in para 71 for development of exception sites for entry-level homes (suitable for first-time buyers or those looking to rent their first home) on sites outside existing settlements, on land not already allocated for housing – unless the need for such homes is already being met within the local planning authorities area.

### **Building a strong, competitive economy (paras 80 -84)**

There are limited changes. The NPPF retains the emphasis on giving significant weight to support economic growth, however, this now includes productivity.

Specific reference is made to addressing the specific locational requirements of different sectors including the specific locational requirements of storage and distribution operations. Distribution Sector requirements were raised at the Local Plan Examination Hearing and would be a consideration in any future replacement plan in relation to employment land.

### **Ensuring the vitality of town centres (paras. 85-90)**

The challenges facing town centres is acknowledged within the NPPF. 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'. As such, planning policies should make clear 'the range of uses permitted in such locations, as part of a positive strategy for the future of each centre' This includes an emphasis on housing in town centres. (Para 85)

The sequential approach and the impact assessment in looking at the impact of out of town centre retail and leisure developments have been retained but with amended wording.

### **Promoting healthy and safe communities (paras. 91-101)**

There have been limited changes or additions. The NPPF maintains the requirements that great weight should be given to the need for schools. It identifies that policies and decisions

should consider the social and economic benefits of estate regeneration. Authorities should use their planning powers to help deliver estate regeneration to a high standard. Green infrastructure is recognised as part of the support for healthy communities.

### **Promoting sustainable transport (paras. 102-111)**

The chapter has been significantly reordered and rewritten. The NPPF retains that development should only be 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". It is understood that PPG will be amended to set out further advice on this aspects.

### **Supporting high quality communications (paras. 112-116)**

The changes in this chapter relate primarily to the delivery of high quality digital infrastructure, including the next generation mobile technology (such as 5G) and full fibre broadband connections. 'Telecommunications' is now replaced with 'electronic communications'.

### **Making effective use of land (paras. 117-123)**

This new chapter largely reflects the proposals set out in the Housing White Paper. It includes the following:

- Brownfield Land: Substantial weight is given to the use of suitable brownfield land within settlements for homes.
- Housing Density: Avoiding building homes at low densities in areas of high demand, and pursuing higher-density housing in accessible locations (town and city centres and around transport hubs), while reflecting the character and infrastructure capacity of each area.
- Use of existing land and buildings: Promote and support development of under-utilised land and buildings e.g. empty space above shops, building on or above services yards, car parks and railway infrastructure.
- Reallocating land: Where there is no reasonable prospect of an application coming forward for the allocated use, sites (as part of plan reviews) should be reallocated for a more deliverable use that can help address identified needs.

### **Achieving well-designed places (paras. 124-132)**

The importance of design standards is emphasised. The creation of high-quality buildings and places is 'fundamental' to what the planning and development process should achieve. In particular, councils should try 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.

### **Protecting Green Belt land (paras. 133-147)**

The Green Belt paragraphs are substantial the same. However, there are some changes including:

- An emphasis on strategic policies to identify the need for amendments to Green Belt. Any changes would have to be 'fully evidenced and justified' demonstrate that all other reasonable options had been examined.
- A material change of use of land that preserve openness is not inappropriate development in the Green Belt for certain uses.
- Allows for residential development that contributes to local affordable housing on brownfield sites, so long as it does not cause "substantial harm" to openness.

**Meeting the challenge of climate change, flooding and coastal change (paras. 148-169)**  
**Conserving and enhancing the natural environment (paras. 170-183)**  
**Conserving and enhancing the historic environment (paras. 184-202)**

These paragraphs substantial remain unchanged but with some reordering.

In relation to flood risk the NPPF specifically identifies that sustainable drainage system should be incorporated on major developments

There is amended wording to paragraph 170 in relation to protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils with the addition of "in a manner commensurate with their statutory status or identified quality in the development plan". This reinforces the importance of the local plan in protecting local wildlife sites, which do not have national protection. Paragraph 170 also includes "recognising the intrinsic character and beauty of the countryside" which previously formed part of the Core Planning Principles.

The references to Local Planning Authorities should maintain or have access to a Historic Environment Records is retained and is located in paragraph 187. The NPPF retain the reference to non-designated heritage asset (para 197) which provided the basis for the additional requirements for non-designated heritage assets set out in the emerging Local Plan policy on the historic environment.

## **Neighbourhood Plans**

There is now more emphasis on the need for development to comply with neighbourhood plans and for those plans to support the delivery of strategic plans.

Neighbourhood plans being enabled to alter Green Belt boundaries if a need for change has been identified through strategic policies. (Para136).

## **Planning Practice Guidance**

PPG on viability assessments and assessing housing and economic development needs were update when the NPPF was published. The MHCLG response to the draft NPPF consultation identifies that further PPGs will be updated.

## **Implications**

**Corporate Plan:** The application of the NPPF in relation to planning policy and planning permissions will have an impact in relation to the Corporate Plan.

**Legal:** There are no Legal implications contained within the report.

**Finance:** There are no direct financial implication in relation to the report.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

## **Risk:**

<b>Risk</b>	<b>Mitigation</b>

## **Human Resources:**

There are no direct HR implications contained within this report.

## **Equalities:**

*(to be completed by the author)*

## **Other Implications:**

*(if applicable)*

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## **Background Papers**

The NPPF amended Planning Practice Guidance and other documents are available on the Government's website at:

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

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