### Purpose Of Report

To inform Members of the possible implications set out in the draft NPPF consultation and association consultations and documents.

### Recommendation(s)

The Committee notes the contents of the Report.

### Reasons For Recommendation(s)

To bring to Members’ attention the proposals for amending the National Planning Policy Framework, as set out in the NPPF consultation.

### Alternative Options Considered (With Reasons Why Not Adopted)

Not applicable.

### Detailed Information

The Ministry for Housing, Communities and Local Government (MHCLG) published its draft revisions to the National Planning Policy Framework (NPPF) for consultation, on 5 March 2018.

The draft revised NPPF incorporates policy proposals previously consulted on in the Housing White Paper and the Planning for the right homes in the right places consultation, as well as changes to planning policy implemented through Written Ministerial Statements since the NPPF was published in 2012. The consultation also seeks views on additional proposals to change planning policy and legislation announced at Budget 2017. The key changes are set out below.
Chapter 1: Introduction

- Clarification that recommendations of the National Infrastructure Commission may be material when preparing plans or determining applications.

Chapter 2 Achieving sustainable development

Sustainable development:

- As a minimum, Strategic plans should provide for objectively assessed needs for housing and other development unless there are strong reasons not to. This includes any unmet needs that cannot be met by neighbour areas.

- The current document includes examples of policies which provide a specific reason for restricting development. This is proposed to be changed to a defined list and includes SSSI, Green Belt, ancient woodland, designated heritage assets, and areas at risk of flooding.

- Neighbourhood Plans which are less than 2yrs old and contain policies and allocations to meet identified housing requirement will be the primary consideration in decision making where they have:
  - at least a three year supply of deliverable housing sites, and
  - its housing delivery was at least 45% of that required over the previous three years.

- It is proposed that the ‘core planning principles’ section is deleted, to remove duplication with other chapters. Where necessary additional text has been included in the relevant topic chapters.

Chapter 3: Plan-making

Strategic Priorities: As a minimum, authorities must ensure that there is a plan which addresses the strategic priorities for their area. A Strategic Plan should cover a minimum of 15 years ahead and can be produced by local planning authorities working together or independently, or by an elected Mayor or combined authority. The draft NPPF also enables spatial development strategies (produced by elected Mayors or combined authorities) to allocate sites where there is agreement.

Local Policies: Local, more detailed policies can be brought forward through either a Local Plan or a Neighbourhood Plan.

Statement of Common Ground: Authorities will be required to prepare and maintain a Statement of Common Ground, as evidence of the statutory duty to cooperate

Review: A new legal requirement to review plan policies at least once every five years following the date of adoption.

Viability: Plans will be required to set out the developer contributions expected in association with particular sites and types of development. This includes level of affordable housing and other infrastructure requirements such as education, health, transport, green and digital infrastructure.

Chapter 4: Decision-taking

Planning Tools: Local planning authorities should use the full range of planning tools available, including Brownfield Registers and Permission in Principle to secure development.
Prematurity: Refusal of a planning application on the grounds of prematurity will rarely be justified.

Site Specific Viability: Where a proposed development accords with all relevant policies in the plan there is no need for a viability assessment to accompany the planning application. If a viability assessment is needed, this should reflect the standardised approach in national planning guidance and should be made publicly available.

Chapter 5: Delivering a wide choice of high quality homes

Standard Method of Identifying Housing Needs: A new standard method for the calculation of local housing need is set out in draft revised National Planning Guidance published alongside the draft NPPF.

Housing sites: Strategic Plans should identify specific deliverable housing sites over 1 to 5 years and specific developable sites or broad locations for growth for years 6 to 10 and where, possible for 11 -15 years of the plan.

Housing delivery test: A housing delivery test will impose sanctions on councils failing to meet housebuilding targets in their plans. From 2020, the presumption in favour of sustainable development will apply where delivery is below 75 per cent of the authority’s housing requirement. Councils can consider imposing planning conditions requiring development to be brought forward within two years. Local planning authorities are encouraged to consider why major sites have not been built out when considering subsequent planning applications.

Affordable Housing:
- States that provision of affordable housing contributions should not be sought for developments of less than 10 dwellings or 0.5 ha. (other than in designated rural areas).
- It identifies that 10%¹ of homes on major sites should be available for affordable home ownership (with certain exceptions).
- The definition of affordable housing has been amended to include:
  - Affordable housing for rent;
  - Starter homes;
  - Discounted market sales housing: is that sold at a discount of at least 20% below local market;
  - Other affordable routes to home ownership. It includes shared ownership, relevant equity loans, other low cost homes for sale and rent to buy (which includes a period of intermediate rent).

Small sites: Requirement to ensure that at least 20% of sites allocated for housing in plans are of half a hectare or less.

Presumption in favour of sustainable development: This would be triggered where a council cannot demonstrate a five-year housing supply or where delivery of housing has been substantially below the housing requirement over the previous three years (under the Housing Delivery Test), unless in a Neighbourhood Planning Area.

Countryside and housing:

¹ Draft Planning Practice Guidance on viability (issued on the same date as the draft NPPF) sets out that policy requirements, particularly for affordable housing, should be set at a level that allows for sites allocated in the plan to be delivered without the use of further viability assessment at the decision making stage.
- The draft NPPF provides 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.

**Neighbourhood Plans:** Local authorities should provide a housing requirement figure for designated neighbourhood areas.

**Chapter 6: Building a strong, competitive economy**

**Rural Economy:** Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found outside existing settlements, and in locations that are not well served by public transport.

**Chapter 7: Ensuring the vitality of town centres**

**Policy period:** When allocating sites for town centres, policies should look at least ten years ahead.

**Sequential approach:** Amends the ‘sequential approach’ to planning applications, so that out of centre sites should only be considered if suitable town centre sites, or then edge of centre sites are unavailable or not expected to become available within a reasonable period.

**Impact Assessment:** Office development outside town centres is no longer subject to an impact assessment where the development is over 2,500 sq m.

**Chapter 8: Promoting healthy and safe communities**

**Schools:** Maintains that great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

**Estate Regeneration:** 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.

**Public Safety:** Policies and decisions should promote public safety and take into account wider security and defence requirements.

**Chapter 9: Promoting sustainable transport**

**Cleaner Transport:** Designs should prioritise pedestrian and cycle movements, followed by access to high quality public transport, as well as reflecting the importance of creating well-designed places. Policies should also take into account the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

**Town Centre Parking:** Removal of section that says councils should set appropriate parking charges that do not undermine the vitality of town centres.

**Parking Standards:** Maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.
Chapter 10: Supporting high quality communications

**Digital infrastructure:** Plan policies should set out expectations to the delivery of high quality digital infrastructure, including the next generation mobile technology (such as 5G) and full fibre broadband connections.

Chapter 11: Making effective use of land

**Brownfield Land:** Substantial weight should be given to the use of suitable brownfield land within settlements for homes.

**Intensive land use:** Making more intensive use of existing land and buildings.

**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.

**Flexible approach:** Taking a flexible approach to policies or guidance that could inhibit making effective use of a site, such as policies or guidance relating to daylight and sunlight.

**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.

**Conversion:** Making it easier to convert retail and employment land to housing where this would be a more effective use.

**Failure to make effective use of land:** Applications should be refused where they fail to make effective use of land, in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

Chapter 12: Achieving well-designed places

**Design:**
- Plans should, at the most appropriate level, set out a clear design vision and expectations, supported by visual tools such as design guides and codes. Design should not be used as a reason to object to development where the scheme complies with local design policies.

Chapter 13: Protecting the Green Belt

**Exceptional Circumstances:**
- Maintains that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or updating plans. Strategic plans should establish the need for any change to boundaries, which could be achieved through a local plan or a neighbourhood plan.
Before concluding that exceptional circumstances exist to change Green Belt boundaries, the strategic plan making authority should have fully explored all other reasonable options for meeting its identified development needs.

Where release of Green Belt land is necessary, the first consideration should be previously developed land or land well served by public transport.

New Buildings: A change has been made to the construction of new buildings in the Green Belt in relation to brownfield land, where development would contribute to meeting an identified local affordable housing need, and there is no substantial harm to openness.

Change of Use: A material change of use that preserve openness is not inappropriate development in the Green Belt. For example, the changes of use from agriculture to equestrian. (Currently this would require the demonstration of very special circumstances).

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Wind Energy: Proposals for wind energy development should not be considered acceptable unless in an area identified as suitable in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

Flood Risk:
- Plans should have regard to the cumulative impacts of flood risk, rather than just to or from individual development sites;
- Paragraph added which requires sustainable drainage systems (SuDS) in major developments, unless there is clear evidence that this would be inappropriate.

Chapter 15: Conserving and enhancing the natural environment

Irreplaceable Habitats: Protection for ancient woodland and other irreplaceable habitats.

Nuisance: Existing business should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In respect of new development the applicant should be required to secure suitable mitigating before the development has been completed.

Air Quality: Increased emphasis on taking air quality into account in planning policies and decisions.

Chapter 16: Conserving and enhancing the historic environment

Historic Environment: Revised to clarify that when considering the impact of a proposed development on a designated heritage asset, decision-makers should give great weight to the asset’s conservation irrespective the degree of potential harm to its significance.

Transitional arrangements and consequential changes

- Plans submitted the Secretary of State up to six months after the publication date of the revised NPPF will be examined under the provisions of the 2012 NPPF policy.
- It is proposed there will not be a transitional period for the introduction of the Statement of Common Ground.
- The Housing Delivery Test will apply from November 2018 on a sliding scale which gradually increases from a delivery requirement of 25% in 2018 to 75% in 2020.

**Implications**

**Corporate Plan:** There are no direct implications in relation to the Corporate Plan at this time.

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

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

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**Risk:**
N/A

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**Human Resources / Equality and Diversity:**

There are no direct HR implications contained within this report.

**Other Implications:**

No other implications have been identified
Reason(s) for Urgency (if applicable):

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Background Papers

The consultation and draft NPPF is available on the Government’s website at:


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