

Draft Revisions to the National Planning Policy Framework

A report by Head of Planning Applications Group to Planning Applications Committee on 16th May 2018

Draft Revisions to the National Planning Policy Framework 2018

Recommendation: Members note the changes proposed in the recent consultation and the direction of planning policy changes in the draft revised National Planning Policy Framework.

Local Member: N/A

Classification: Unrestricted

Background

1. The National Planning Policy Framework (NPPF) was first published in 2012, establishing a 'presumption in favour of sustainable development' and aiming to bring together a range of planning policy and guidance into a single document.
2. In March 2018, the Government published its long-awaited draft revision of the NPPF for consultation. The revised NPPF consolidates a series of proposals that have been announced and consulted upon since 2016. These include the Housing White Paper 2017 - Fixing Our Broken Housing Market, Planning and Affordable Housing for Build to Rent 2017, Planning for the Right Homes in the Right Places: Consultation, 2017 and the 2017 Autumn Budget which proposed further proposals to change planning policy and legislation to bring forward more land for development. The consultation ended on 10th May 2018.
3. The launch of the draft revised NPPF was accompanied by a number of supporting documents including:
 - I. NPPF: consultation proposals and draft text
 - II. Supporting housing delivery through developer contributions: consultation
 - III. Draft planning practice guidance for viability
 - IV. Housing Delivery Test: draft measurement rule book
 - V. Government Responses to the Housing White Paper and the Planning for the Right Homes in the Right Places consultations; and
 - VI. Section 106 planning obligations and the Community Infrastructure Levy in England
4. As strongly inferred from above, the key driver for the changes to planning policy is the failure to deliver housing to meet the country's needs. The revised Framework underlines the continuing importance that the Government places on seeking to resolve the housing crisis. It seeks to provide a strategy that delivers radically lasting reform that will allow more homes to be built. The stated intention is to put reforms in place to provide the right homes in the right places, building homes faster and to diversify the market.

The Revised NPPF

5. The Ministry of Housing, Communities and Local Government sought views on the draft text of the revised Framework. The revised Framework makes several structural changes (dividing the document into 17 topic-based chapters), incorporates policy proposals on which the Government has previously consulted, along with additional proposals upon which it sought views.

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6. The revised Framework has been rewritten with a new structure to reflect the priorities of Government, very much focussed on delivering solutions to the housing crisis through a plan-led system. The “presumption in favour of sustainable development” – which was established when the Framework was first introduced, in 2012 - remains at the heart of the document. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
7. As the planning authority responsible for the determination of planning applications for mineral and waste management development and community infrastructure and the associated plan making responsibilities, many of the proposed changes are not directly related to the business of this Committee. There are however of wider interest to Members and an important context for the decisions that this Committee takes. The following paragraphs briefly summarise the key proposed changes set out in the consultation documents.

Achieving Sustainable Development

8. This continues to be reliant upon three interdependent overarching objectives - economic, social and environmental that need to be pursued in mutually supportive ways. The revised Framework would see the deletion of the current core principles section of the Framework so as to remove duplication with other chapters. The content of the core principles has however been retained and relocated to the most appropriate part of the revised Framework. There is a proposed expectation for objectively assessed needs to be accommodated, unless there are strong reasons not to, including any unmet needs from neighbouring areas. The 2012 Framework includes examples of policies which provide a specific reason for *restricting* development. The revised NPPF proposes a defined list, which includes Ancient Woodland and aged and veteran trees as specific reasons for *refusing* development.

Housing Delivery

9. The revised Framework includes the introduction of a policy for a housing delivery test. Standardised methodology for calculating local housing need (which has been subject to a previous consultation) is included within the text, with further details to be set out in a revised Planning Policy Guidance document. A housing delivery test proposes sanctions on councils (responsible for housing delivery) for failure to meet housebuilding targets in their local plans. The revised Framework seeks to apply the ‘presumption in favour of development’ where delivery is below 75% of the housing requirement from 2020.
10. There is a separate consultation on ‘supporting housing delivery through developer contributions’ to deal with reform to Section 106 and Community Infrastructure Levy (CIL). The objectives are to provide clarity around how contributions work, improve transparency, accelerate development and allow the introduction of a Strategic Infrastructure Tariff. In respect of CIL, a range of measures are proposed including simplifying the process for reviewing charging schedules, removing pooling restrictions and setting of contributions nationally.

Development Plans

11. The revised Framework strengthens the role of the Development Plan, underlining the Government’s intention that the planning system should be a plan led one and introduces a greater focus on strategic policies and a joined-up approach to ensure that strategic priorities are addressed within an area. The duty to cooperate, which local

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planning authorities are required to demonstrate has been undertaken with neighbouring authorities as part of the local plan process, would be bolstered by a requirement for Statements of Common Ground to be prepared, to address cross boundary issues. Further details are to follow in planning practice guidance. Local plans are to be reviewed 'at least once every five years' following the date of adoption, with updates as necessary to reflect changing circumstances. In terms of the test of a plan's soundness, in future, plans will need to show that they propose 'an appropriate strategy' compared with the current requirement for them to constitute 'the most appropriate strategy' for the area.

12. There is a shift towards focusing viability assessments at the plan making stage (rather than as part of planning applications). The revised NPPF removes the previous emphasis on ensuring viability and deliverability and now instead states that when development accords with all relevant policies in an up to date development plan, there will be no need to submit a viability assessment.

Prematurity

13. The revised Framework sets out the weight to be given to policies in emerging plans and policy in respect to prematurity. Arguments that an application is premature are unlikely to justify a refusal of planning permission except in the limited circumstance where the development proposed is so substantial, or its cumulative effect would be so significant that granting permission would undermine the plan-making process and the emerging plan is at an advanced stage but not yet formally part of the development plan.

Building a strong, competitive economy

14. There is more explicit support for business growth and improved productivity, in a way that links to the Government's Industrial Strategy. The rural economy section supports policy and decisions for local business and community needs outside existing settlements in ways which minimise the impact of such sites and exploits opportunities to make such locations sustainable.

Ensuring the vitality of town centres

15. There are various revisions proposed including changes to the sequential test for main town centre uses which would allow out-of-centre sites to be considered only if town centre or edge-of-centre locations are not available, or not expected to become available 'within a reasonable period'.

Promoting Healthy and Safe Communities

16. The revised Framework recognises the role that planning can play in social interaction and healthy lifestyles. A new policy is introduced to help counter malicious or natural threats and take account of wider defence and security requirements.

Promoting Sustainable Transport

17. This chapter has been substantially revised to improve its structure. A new introduction explains the variety of ways in which transport should be considered, so that transport issues are recognised and addressed as fully as possible. The policy for assessing the transport impact of proposals has been revised to refer to highway safety as well as capacity and congestion in order to make clear that designs should prioritise pedestrians and cycle movements, followed by access to high quality public transport

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(as far as possible) as well as to reflect the importance of creating well-designed places. There is new policy to recognise the importance of maintaining a national network of general aviation facilities. In addition, the revised text reflects two previous announcements that authorities should be expected to identify additional development opportunities arising from strategic infrastructure investment and includes the recent Ministerial Statement on criteria for local parking standards.

18. In determining proposals, the revised Framework retains the policy that development should only be prevented or refused on highway grounds if the residual cumulative impacts on the road network or road safety would be severe.

Supporting High Quality Communications

19. The Framework reflects Government support for the further expansion of mobile technology. Plans are required to set out expectations in relation to the delivery of high quality digital infrastructure, which provides access to a range of providers.

Making effective use of land

20. Reflecting previous announcements or consultations, this chapter seeks to make more effective use of land, with more intensive use of land and buildings, the avoidance of building homes at low densities in areas of high demand and pursuing higher densities in accessible locations, while reflecting the character and infrastructure capacity. Substantial weight is to be given to the value of using suitable brownfield land within settlements for homes. The policy also proposes taking a flexible approach to policies or guidance that could inhibit making effective use of a site; the inclusion of daylight and sunlight considerations are now specifically referred to in the policy.
21. There is support for more effective use of empty space above shops, reallocating land where there is no reasonable prospect of an application coming forward for the allocated use, making it easier to convert retail and employment land and expecting minimum density standards to be used in town and city centres around transport hubs. Applications should be refused where the planning authority considers that proposals fail to make effective use of land in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

Achieving well-designed places

22. Plans should set out a clear design vision and expectation. Additional emphasis is placed upon the importance of pre-application discussion in securing good design. Design should not be used as a reason to object to development where the scheme complies with local policies.

Green Belt

23. The revised Framework maintains the strong protections of the Green Belt. Policy has been strengthened in respect of the revision of green belt boundaries requiring plan makers to have examined fully all other reasonable options for meeting their identified need for development, including making as much use as possible of suitable brownfield sites, underutilised land or well-served by public transport. Affordable housing developments (not just starter homes) on brownfield land which would not cause substantial harm to openness and would meet an identified need would not be considered inappropriate development. Similarly, material changes of use that would not affect the openness and do not conflict with the purposes of the Green Belt are not considered inappropriate development for the purposes of Green Belt policy. Mineral

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extraction is identified as one form of development that is not inappropriate development for the purposes of Green Belt Policy.

Climate Change, Flooding and Coastal Change

24. Delivering on a number of previous announcements and consultations, the revised Framework requires planning policies to support measures to ensure the future resilience of communities and infrastructure to climate change, clarifies that plans should have regard to the cumulative impacts of flood risk and sets out policy on the exception text to be applied when considering development in locations at risk of flooding. It also recognises the important role that local authorities can play in improving the energy performance of buildings, which will be the subject of future consultation. Support for sustainable drainage systems is given for major developments and should take account of advice from the lead local flood authority (Kent CC) have minimal operational standards, have maintenance agreements and where possible provide multifunctional benefits.
25. In coastal areas, policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across land and sea boundaries to ensure effective alignment of the terrestrial and marine planning regimes. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. Coastal Change Management Areas (CCMA) should be used to identify an area likely to be affected by physical changes to the coast and policies should set out the appropriateness and management of development within the CCMA.

Conserving and enhancing the natural environment

26. The revised Framework seeks to implement the proposal within the Housing White Paper for the 'agent of change' (the applicant) to be responsible for mitigating the impact on their scheme of potential nuisance arising from existing development. Whilst the examples given relate to live music venues and church bells, it could equally apply from new development sited in close proximity to the aggregate wharfs around the county which are a critical part of the country's mineral infrastructure.
27. The chapter has been updated to align with the Government's 25 Year Environment Plan. It provides additional policy to strengthen existing networks of habitats and requires air quality considerations to be taken into account, with decisions and policies sustaining and contributing towards compliance with relevant limit values or national objectives for pollutants. Great weight should be given to conserving landscape and scenic beauty within National Parks and Areas of Outstanding Natural Beauty and any development should be limited. Planning policy continues to presume against major development, other than in exceptional circumstances, and where it can be demonstrated to be in the public interest.
28. There is greater policy support in the revised Framework for ancient woodland and other irreplaceable habits, making it clear that development resulting in their loss or deterioration should be wholly exceptional. There is a high level of protection for individual aged or veteran trees. The policy seeks to strike a balance between protecting natural assets, while allowing development to proceed in the limited circumstances where it would have significant public benefits.

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Conserving and enhancing the historic environment

29. The policy has been revised to clarify that World Heritage Sites are recognised internationally for their Outstanding Universal Value and that this forms part of their significance that should be taken into account in decision making.
30. In considering the impact of development on a designated heritage asset, the Framework clarifies that great weight should be given to the asset's conservation irrespective of whether the potential harm to its significance amounts to 'less than substantial harm' or 'substantial harm or total loss' of significance.

Facilitating the sustainable use of minerals

31. This chapter has been shortened, with the intention of placing the deleted text into guidance. The deleted text relates to a number of key elements of mineral planning including the recognition that minerals are essential to support sustainable economic growth and our quality of life, the removal of safeguarding considerations for the manufacture of coated materials and the deletion of the specified types of amenity and restoration considerations relevant to mineral planning. In terms of maintaining mineral supply, the recognition that longer periods than 7 years (for sand) or 10 years (crushed rock) may be appropriate has been removed from the revised Framework. Similarly, the current reference to permitted reserves of at least 10 years for individual silica sand sites and at least 15 years for cement primary (chalk, limestone, clay and shale) and 25 for brick clay has been removed. The revised Framework also includes additional text on on-shore oil and gas development to provide clear policy on the issues to be taken into account in planning for and determining this type of development.
32. There is currently no draft of the guidance text, so it is difficult to comment on the adequacy of the content or the significance of any changes. Views were specifically sought as to whether planning policy would better sit in a separate planning policy document and views on the utility of national and sub-national guidelines on future aggregate provision. From discussions with other mineral planning authorities and representatives from the mineral industry there is no support for a separate policy document, with the consensus that it marginalises mineral planning from other planning considerations and fails to recognise the contribution that mineral planning plays in the delivery of housing development and sustainable communities.

Material Considerations

33. The revised Framework clarifies that endorsed recommendations of the National Infrastructure Commission may be material when preparing plans or determining applications.

KCC response to the consultation

34. The consultation sets out a series of technical questions, relating to each of the seventeen chapters within the revised Framework, which cover the range of plan-making and decision-making matters. At the time of drafting this report, the County Council's response to the consultation was not finalised. The response is expected to emphasise that KCC is well positioned and willing to work with Government to deliver economic and housing growth, in the midst of an increasing awareness of the importance and benefits of strategic planning and the potentially valuable role of county councils in preparing strategic plans.

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35. The Council's response is intended to address all questions raised within the revised Framework consultation, including the following key issues - achieving sustainable development, infrastructure delivery, plan making including the need for a joined-up approach to ensure that strategic priorities are addressed within an area, maintaining effective cooperation, delivering a wide choice of high quality homes, building a strong, competitive economy, promoting sustainable transport, support for a high quality communications network, meeting the challenge of climate change, flooding and coastal change and mineral planning. A copy of the response will be available by the date of this Committee and available upon request.

Next Steps

36. The consultation ended on 10 May 2018. The expectation is for Government to publish the final revised Framework before the Summer Recess this July. Members are therefore asked to note the above revisions to the NPPF, pending the publication of the final revised Framework.

Recommendation

37. I RECOMMEND Members note the changes proposed in the recent consultation and the direction of planning policy changes in the draft revised National Planning Policy Framework.

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Background documents: as set out in para 3 above.
