

MHCLG consultation on National Planning Policy Framework

6 March 2018 (updated 21 March 2018)

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.

Alongside the NPPF consultation documents, additional documents have been published for reference – draft planning practice [guidance](#) (covering viability, housing delivery, local housing need assessment, neighbourhood plans, plan-making and build to rent) and the housing delivery test measurement [rulebook](#). We are expecting additional draft planning guidance to be published later in the week.

A separate [consultation](#) has also been published seeking views on a series of reforms to the existing system of developer contributions in the short term, alongside a research [report](#) on Section 106 planning obligations and the Community Infrastructure Levy.

The government has also published its [response](#) to the Planning for the right homes in the right places consultation.

This briefing provides a summary of the NPPF consultation proposals likely to be of most interest to local authorities– please note this is not an exhaustive list of all the proposed changes and does not cover every chapter of the revised draft NPPF text. For information the 2012 version of the NPPF is 65 pages long and the revised draft version is 70 pages.

The LGA will be engaging with councils through our various networks to help shape our response to the consultation. If you would like to send us your views direct please send to jo.allchurch@local.gov.uk.

NPPF consultation proposals

Chapter 1 Introduction

Proposed changes include:

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

Chapter 2 Achieving sustainable development

Proposed changes include:

- An expectation for objectively assessed need to be accommodated unless there are strong reasons not to, including unmet needs from neighbouring areas

Chapter 3 plan-making

Proposed changes include:

- A new plan-making framework which defines strategic priorities and allows authorities to plan for these in the most appropriate way e.g. a strategic plan produced by local planning authorities working together or independently or by an elected Mayor or combined authority
- Enabling spatial development strategies produced by elected Mayors or combined authorities to allocate sites where there is unanimous agreement
- A requirement for authorities to review plan policies every 5 years following the date of adoption, with updates, if necessary
- Setting out that to meet the test of soundness authorities will need to prepare and maintain a Statement of Common Ground, as evidence of the duty to cooperate
- A number of changes to the tests of 'soundness' – including strengthening the 'effective' test to emphasise effective joint working, as evidenced by the Statement of Common Ground.
- Tightening the evidence which is expected to support a 'sound' plan, to allow for a more proportionate approach
- A new approach to viability, through which plans are expected to be clear about the developer contributions expected in association with particular sites and types of development

Chapter 4 Decision-making

Proposed changes include:

- Making clear that where a viability assessment is needed, because a proposed development cannot accord with all relevant policies in a plan, that this should reflect the recommended approach in national planning guidance, including standardised inputs and should be made publicly available
- New paragraphs setting out the weight that may be given to policies in emerging plans (previously in the Annex) and puts into policy the approach to 'prematurity' previously contained in national planning guidance
- Additional references to highlight the role of non-statutory and statutory consultees at pre-application stage and also encourage early discussions about infrastructure and affordable housing.

Chapter 5 Delivering a wide choice of high quality homes

Proposed changes include:

- The requirement for strategic plans to be based upon the new standard method of calculation of local housing need (unless there are exceptional circumstances that justify an alternative approach)
- A requirement for plan policies to address the housing requirements of groups with particular need – students and people who rent their

- homes have been added, as well as travellers (who do not fall under the definition of 'traveller' in the Planning Policy for Traveller Sites
- Inclusion of content from Written Ministerial Statement (November 2014) to state that provision of affordable housing contributions should not be sought for developments that are not on major sites (other than in designated rural areas)
 - 10% of homes on major sites should be available for affordable home ownership (with certain exceptions)
 - An expectation that local authorities should provide a housing requirement figure for designated neighbourhood areas
 - Requirement to ensure that at least 20% of sites allocated for housing in plans are of half a hectare or less
 - Policy consequences of the Housing Delivery Test. This includes a requirement for a local planning authority to produce an action plan where delivery has fallen below 95% of its' housing requirement over the previous three years. From November 2018, councils will need to provide a 20% buffer on top of its five year supply of deliverable sites, where delivery in previous three years was below 85% of the housing requirement. From 2020, the presumption in favour of sustainable development will apply where delivery is below 75% of the authority's housing requirement. Whilst not included in the revised NPPF draft, the consultation document clarifies that the application of the presumption will also apply where delivery is less than 25% of the housing requirement in 2018 and 45% in 2019.
 - Allowing 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 authority's area

Chapter 7 Ensuring the vitality of town centres

Proposed changes include:

- Clarification that in allocating sites for town centres, policies should look at least ten years ahead
- Strengthening of the sequential test to planning applications for main town centre uses, to make clear that out of centre sites should be considered only if suitable town centre or edge of centre sites are unavailable *or not expected to become available within a reasonable period.*
- Removal of expectation that office developments outside town centres are subject to an impact assessment, where the development is over 2,500 sq m

Chapter 8 Promoting healthy and safe communities

Proposed changes include:

- Clarifying that planning policies and decisions should consider the social and economic benefits of estate regeneration, and that authorities should use their planning powers to help deliver estate regeneration to a high standard
- Additional recognition to the role that planning can play in promoting social interaction and healthy lifestyles
- New policy on the ways in which planning policies and decisions can help to counter malicious or natural threats, especially in crowded places and should take into account wider defence and security requirements

Chapter 9 Promoting sustainable transport

Proposed changes include:

- A new introduction to explain the variety of ways in which transport should be considered as part of the planning process
- New policy to recognise the importance of maintaining a national network of general aviation facilities
- Policy on assessing the transport impact of proposals has been amended to refer to highway safety as well as capacity and congestion
- In setting parking standards, policies should now also take into account the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles
- Removal of section that says councils should set appropriate parking charges that do not undermine the vitality of town centres.
- New policy that 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

Proposed changes include:

- New paragraph indicating that plan policies should set out expectations in relation to the delivery of high quality digital infrastructure, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Chapter 11 Making effective use of land

Proposed changes include:

- Expecting plans to have a clear strategy for using land
- Setting out how planning policies and decisions should make more intensive use of existing lands and buildings, especially where it would help to meet housing need.
 - promote and support development of under-utilised land and buildings e.g. converting space above shops, building on or above service yards, car parks and railway infrastructure
 - support opportunities to use airspace above existing residential and commercial premises for new homes. This includes allowing upward extensions.
- Setting out that planning policies and decisions should avoid building homes at low densities in areas of high demand, and pursue higher-density housing in accessible locations.
- Local authorities should take a flexible approach to applying policies or guidance relating to daylight and sunlight, where this would otherwise inhibit making efficient use of a site for housing.
- Giving substantial weight to the value of using suitable brownfield land within settlements for homes

Chapter 12 Achieving well-designed places

Proposed changes include:

- Setting out that plans should, at the most appropriate level, set out a clear design vision and expectations, supported by visual tools e.g. design guides and codes.
- Additional emphasis given on the importance of pre-application

- discussions in securing good design.
- Setting out that design should not be used as a reason to object to development where a scheme complies with local policies
- A change to make clear that “outstanding or innovative” designs should not be given great weight where they are in conflict with local design policies, or would not be sensitive to their surroundings
- Policy on advertisements has been shortened; the text from the existing Framework which has been deleted will be moved to guidance.

Chapter 13 Protecting the Green Belt

Proposed changes include:

- Implementing a number of changes that were in the Housing White Paper including the criteria that should be satisfied before ‘exceptional circumstances’ are used to change Green Belt boundaries
- Allowing brownfield land in the Green Belt to be used for affordable housing (including Starter Homes), where there is no substantial harm to openness

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

Proposed changes include:

- Clarifying that plans should have regards to the cumulative impacts of flood risk, rather than just to or from individual development sites
- Clarify policy on the exception test that may need to be applied when considering development in locations at risk of flooding
- Recognition that local planning authorities are tied to national technical standards for new development, and there is limited scope to extend local ambition
- Incorporation of Written Ministerial Statement (December 2014) on the use of sustainable drainage systems (SuDS) in major developments

Chapter 15 Conserving and enhancing the natural environment

Proposed changes include:

- Clarifying that the ‘agent of change’ (or applicant) should be responsible for mitigating the impact on their scheme of potential nuisance arising from existing development
- Updates to align with the 25 Year Environment Plan including taking air quality fully into account in planning policies and decisions

Chapter 17 Facilitating the sustainable use of materials

Proposed changes include:

- Additional text on on-shore oil and gas development to provide clear policy in the issues to be taken into account in planning for and making decisions on this form of development (building on the Written Ministerial Statement in September 2015)

Transitional arrangements and consequential changes

Transitional arrangements are proposed which will apply the previous Framework to the examining of plans which are submitted on or before the

date which is six months from the publication of the new Framework.

It is proposed there will not be a transitional period for the introduction of the Statement of Common Ground.