

# Member Report

## NPPF Consultation Proposals



# Public

**To:** Regulatory Committee **Date:** 18 April 2018  
**From:** Director for Economic Growth **Decision type:** For information  
**Portfolio:** Economic Growth **Forward Plan reference:**  
**Priority:** Prosperity for all  
**Ward(s):** All

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### 1 What is the purpose of this report?

- 1.1 On 5 March 2018 MHCLG published a draft of a revised National Planning Policy Framework for consultation. This report appraises Regulatory Committee of the key proposals and, where necessary, offers a commentary on their respective merits and implications for this Council.
- 1.2 Responses to the consultation are expected to be submitted by 10 May 2018.

### 2 What is the background to this report?

- 2.1 In February 2017, DCLG published the White Paper "Fixing our Broken Housing Market". This sets out the Government's proposals to boost the delivery of new homes and its commitment to revise the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG).
- 2.2 Further detail on the proposed changes to the NPPF and PPG, first set out in the White Paper, was then set out in the 'Planning for the Right Homes in the Right Places' consultation which closed on the 9 November 2017:
- 2.3 Much of the revised text within the consultation draft NPPF has been incorporated to reflect the reforms set out within the previous consultations, other announcements and Written Ministerial Statements made since 2012. These changes are not the subject of the questions in the current consultation and their implications have been considered previously. This consultation does propose some new modifications and these include changes to planning policy relating to business growth, town centres, sustainable transport, heritage and design.
- 2.4 Many of the new revisions proposed in the consultation are minor in nature, structural changes or would not result in significant implications for planning decisions in the borough that haven't previously been considered. The following, therefore, provides a summary of the main revisions.

#### Plan-Making

- 2.5 The chapter on plan-making has been moved towards the front of the NPPF

document in order to reflect the increasing importance given to Local Plans. Other changes made to this chapter include those changes proposed through the White Paper and the 'Planning for the Right Homes' consultation. The implications of the changes from the Planning for the Right Homes consultation were previously set out within a briefing to Regulatory Committee on 22 November 2017 and so will only be summarised briefly here. These include:

- The requirement to prepare and maintain a statement of common ground, as evidence of the Duty to Cooperate;
- Changing the tests of soundness to encourage agreements and joint working;
- A new approach to viability which require plans to be clear about the contributions expected in association with development;
- A requirement for local authorities to review plan policies every five years following the date of adoption and to publish their reasons for not revising the plan if they decide not to. It is clarified within the draft that reviews should be completed within 5 years, thus requiring a review of policies to commence within a much shorter period following adoption.

### Decision Making

- 2.6 The revision to text within this chapter also includes revisions previously consulted on through the 'Planning for the Right Homes' consultation. These include revisions to clarify that, where a proposed development accords with all relevant policies in the plan, there is no need for a viability assessment to accompany a planning application. Viability assessments are also expected to follow a recommended approach, set out within the revised PPG.
- 2.7 New changes have been introduced to require local planning authorities to review local lists of their information requirements for applications at least every two years. The Council's Local List for Validation was last reviewed in June 2015 and will, therefore, require a further review following the publication of the new NPPF.

### Delivering a Wide Choice of Quality Homes

- 2.8 The revisions included within the 'Delivering a wide choice of high quality homes' chapter implement the proposals from the previous White Paper and 'Planning for the Right Homes' consultations.
- 2.9 The revised NPPF will incorporate the following, previously announced, requirements:
- Local Plans to be based upon a local housing need assessment calculated using a standard methodology set out in the PPG;
  - Plans to identify the size, type and tenure of homes required for different community groups (including those requiring affordable housing, families with children, older people, students, people with disabilities, service families, travellers who have ceased to travel, people who rent their homes and people wishing to commission or build their own homes);
  - At least 10% of homes on major sites to be available for affordable home ownership unless the development provides solely for Build to Rent homes, provides specialist accommodation for people with special needs, is for Self-build or custom housebuilding or is exclusively for affordable housing or an entry level or rural exception site;
  - An expectation for local authorities to provide a housing requirement figure for designated neighbourhood areas;

- Local Plan to provide at least 20% of their housing sites on land that is half a hectare or less;
- An option to agree an annual position statement to demonstrate that the 5 year land supply position is capable of being agreed for a one year period. Local authorities will require a 10% buffer above the housing requirement to take advantage of this policy;
- An option for authorities to consider a planning condition to bring forward development within two years, except where a shorter timeframe could hinder the viability or deliverability of a scheme;
- A reflection of the Budget 2017 announcement with support for the development of exception sites to provide entry-level homes suitable for first time buyers, where a local need is identified.

2.10 The changes to this chapter also introduce consequences for failure to meet the Housing Delivery test proposed through the White Paper and the rules for the delivery test are also part of the consultation. The test is the percentage of net homes delivered against the number of homes required over a three year period. The implications for this test were outlined in the previous committee briefing note.

2.11 The consequences for failing the test, as set out in the consultation proposals for the NPPF, will include that the presumption in favour of sustainable development will apply where delivery is below 75% of the authority's housing requirement. The local government finance settlement technical consultation (September 2017) on the New Homes Bonus revision set out that the Government also intends to include linking payment of the bonus to the housing delivery test or the standard approach to local housing need from 2019-20. Further consultation is to be carried out on any changes to the bonus before the proposed implementation.

### *Building a Strong Competitive Economy*

2.12 The proposed changes to this section are limited. However, it is proposed to introduce a policy to recognise that sites to meet local business and community needs in rural areas may have to be found outside existing settlements and in locations not well served by public transport. This change reflects the sometimes limited availability of sites to accommodate appropriate development in rural settlements.

2.13 This has the potential to lead to an increase in the number of approvals of applications outside of the development limits. However, the increase may be minimal as the Council has already taken a similar approach to rural development within the Local Plan. Policy SD3 relating to Development Limits allows for recreation or tourism proposals requiring a countryside location, facilities essential to social and community needs and development of brownfield land to be located outside of the development limits and Policy ED8 states that the rural economy will be supported by promoting the sustainable growth and expansion of both new and existing rural based businesses and enterprises.

### *Promoting Sustainable Transport*

2.14 New proposals for this section include introducing text to allow highway safety to be a factor, alongside capacity and congestion, when mitigation for any significant impacts from development is being considered. Other amendments make it clear that development proposals should give first priority to pedestrian and cycle movements and then to access to high quality public transport in their layouts.

### Making Effective Use of Land

- 2.15 Revisions within this section reflect proposals from the White Paper, including:
- A requirement for plans and developments to make optimal use of the potential of each site;
  - Avoiding building homes at low densities in areas of high demand and pursuing higher density housing in accessible locations;
  - Requiring authorities to take a flexible approach in applying policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of the site, providing acceptable living standards are provided.
- 2.16 Proposals from Budget 2017 have also been incorporated that include:
- Making more effective use of the empty space above shops;
  - Reallocating land where there is no reasonable prospect of an allocation coming forward for the allocated use (This measure is included within the existing NPPF in relation to employment land but it has been widened to cover allocations for other uses);
  - Making it easier to convert retail and employment land to housing in areas of high demand, and where this would not undermine key economic sectors or the vitality and viability of town centres;
  - Expecting minimum density standards to be used in town centres and around transport hubs, where there is a shortage of land for meeting identified needs.
- 2.17 Proposed changes also include new policy to require planning authorities to refuse planning applications where they fail to make efficient use of land.

### Conserving and Enhancing the Natural Environment

- 2.18 The changes to this section seeks to clarify the protection given for National Parks, Areas of Outstanding Natural Beauty and the Heritage Coast and strengthen that given to ancient woodland, in order to align with the Government's 25 Year Environment Plan (January 2018). New text is proposed which relates to development within the Heritage Coast and states that planning policies and decisions in these areas should be consistent with the special character of the area and the importance of its conservation. Major development is unlikely to be appropriate unless compatible with the special character of the area.
- 2.19 The emerging Local Plan (Policy N1) includes protection for the Heritage Coast and limits development within the area to that which, for operational reasons, cannot be located elsewhere, is small-scale leisure or tourism development consistent with the conservation of the special qualities of the area or is a suitably scaled extension or alteration to an existing building.
- 2.20 The protection given to the Heritage Coast in the current NPPF is less clear, with a requirement of local planning authorities to maintain the character of the undeveloped coast and protect and enhance its distinctive character.

### Other Revisions

- 2.21 The consultation document also includes a number of changes to other policy areas. These include:
- New policy on the ways in which planning can counter malicious or natural

threats, especially in crowded places;

- A requirement for town centre boundaries to be kept under review so that identified needs for town centre uses can be accommodated and greater flexibility for changes of use where town centres are in decline;
- New proposals, not previously outlined in other consultations and relating to the design of developments, will clarify 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;
- A revision to clarify that, when considering the impact of a proposed development on a designated heritage asset, great weight should be given to the asset’s conservation, irrespective of the degree of potential harm to its significance. This clarification has the potential to strengthen the protection for heritage assets, especially where ‘less than substantial harm is proposed’.

2.22 Other changes can be found within the document, such as those made to Chapter 14 – Meeting the challenge of climate change, flooding and coastal change. The revisions in this section reflect existing proposals from the White Paper and incorporate changes from the Written Ministerial Statements (December 2014 and June 2015) on sustainable drainage systems and wind energy, which have already influenced planning decisions.

### 3 Who will this benefit and how?

3.1 There are no direct implications from this report. The NPPF will influence local planning policy and planning decisions in the Borough and the consultation will, therefore, be of interest to residents, developers, businesses and any other stakeholders who have an interest in the planning and development of the Borough.

### 4 Who have we consulted?

4.1 Not applicable. This reports informs Members of the Government’s consultation into proposed changes to the NPPF.

### 5 How will it deliver our priorities and improve our performance?

5.1 There are no direct implications from this report. The Local Plan will support the Corporate Plan outcomes to ‘grow our economy and create more jobs’, ‘develop great places to live’ and ‘improve quality of life’ and future revisions of the Plan and planning decisions will be influenced by changes to the NPPF

### 6 What are the risks and resource implications?

Type of Risk/ Implication	Applicable?	Details
Health and Safety	No	There are no direct implications from this report.
Social Value:	No	There are no direct implications from this report.

Legal	No	There are no direct implications from this report.
Financial	No	There are no direct implications from this report.
Human Resources	No	There are no direct implications from this report
Equality and Diversity	No	There are no direct implications from this report.
Carbon Footprint	No	There are no direct implications from this report.
Other (please specify)	No	There are no direct implications from this report.

## **7 What options have been considered?**

7.1 This report is for information only. No other options were considered.

## **8 What is the reason for the recommended option?**

8.1 This report is for information only. No other options were considered.

## **9 Recommendations**

9.1 It is recommended that the report be noted.

## **10 Appendices and further information**

10.1 National Planning Policy Framework : consultation proposals (MHCLG, March 2018).

## **11 Background papers**

11.1 No background papers other than published works were used in writing this report.

## **12 Contact officer**

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