

The Proposed Changes to the NPPF

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Headline Points/Agenda

- Only two specific references to later living/housing an aging population [62, 65]
 - But quite a lot which is more generally relevant.
 - Revised “presumption” in favour of sustainable development
 - New housing delivery test
 - New guidance on viability testing
 - New policies on plan making
 - Also changes to national policy on Green Belt, Heritage, Town Centres, Estate Regeneration and other issues
-

Sustainable Development and the Presumption

When to start worrying: the transitional arrangements



Annex 1

- For the purpose of examining plans – if submitted six months after publication
 - If submitted within six months, current NPPF applies [209]
“the examination will take no account of the new Framework”
 - But plans may need to be revised to reflect policy changes. This should be done
“as quickly as possible”
 - For decision taking - from date of publication [207]
 - Housing Delivery Test [75] applies from outset (but stepped application: see [211])
-



The Changes: Sustainable Development

- Current NPPF: 4 definitions
 - Brundtland definition (not a numbered paragraph, status unclear)
 - [7] “three dimensions to sustainable development” (economic, social, environmental)
 - [14] presumption
 - [6]: “paras 18 to 219” are the Government’s view of what sustainable development means
- New NPPF
 - Brundtland definition now [7], described as a “very high level objective”
 - The “three dimensions” (slightly amended) are now “three overarching objectives” [8] but (significantly) these are to be delivered [9]
 - *“through the preparation and implementation of plans and the policies in the Framework; they are not criteria against which every decision can or should be judged”*
 - Revised “presumption” [11]
 - Old [6] has gone

The “presumption in favour of sustainable development” (1)



- Old [14] now substantially rewritten in [11]
 - No more “golden threads”
- Plan making
 - Reference to “local plans” replaced by “strategic plans”
 - Requirement to meet OAN is now “as a minimum”, and includes “needs that cannot be met within neighbouring areas”
 - Old exception to meeting need where there are “specific policies” restricting development:
 - is now a closed list of “policies that protect areas or assets of particular importance” and does not include policies in development plans – fn 7 (cf *Hopkins Homes*)
 - list expanded to include “irreplaceable habitats” eg ancient woodland, aged or veteran trees
 - applies where it provides a “strong reason” for restricting the overall scale, type or distribution of development”



The “presumption in favour of sustainable development” (2)

For decision-taking:

- “absent, silent or out of date” replaced by
“no relevant development plan policies, or the policies which are most important for determining the application are out of date”
- “specific policies ... indicate that development should be restricted” replaced by
“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”
- Note difference with plan making: “clear” reason, as opposed to “strong reason”.
 - Is there a difference?
- Read together with new provisions on housing delivery (below)

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Housing: need, numbers, location and delivery



Housing Need and Numbers: Standardised approach

- [11]:
 - Plans should meet OAN “as a minimum”
 - Explicit reference to meeting needs that cannot be met within neighbouring areas
- [61]

“Strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals”

Housing: What should be done to achieve numbers (and where)?



- [68]: strategic plans should identify
 - specific deliverable sites’ yrs 1-5 of the Plan;
 - ‘specific deliverable sites or broad locations for growth’ for yrs 6-10; and ‘where possible’ for yrs 11-15.
- Specific encouragement for:
 - small sites: 20% + of sites <0.5ha; windfalls and subdivision of large sites [69]
 - exception sites outside existing settlements for ‘entry level housing’ [72]
 - ‘larger scale, new settlements and significant extensions to existing villages and towns’ [73]
- Strategic plans should:
 - set out housing numbers for Neighbourhood Plans [66]



Housing: Where not?

- 'footnote 7'
 - SAC/SPA/SSSI; GB, LGS, AONB, N Park, Heritage Coast, 'irreplaceable habitats' including ancient woodland; aged or veteran trees; designated heritage assets, flooding
 - if provides 'strong reason'/'clear reason' not to meet OAN
- Green Belt: [136] before changing boundaries/allocating must have 'examined fully all other reasonable options for meeting need, including:
 - brownfield,
 - optimising density
 - discussions with neighbouring authorities'
- Rural areas: "should be responsive to local circumstances and support housing developments that reflect local needs"; "housing should be located where it will enhance or maintain the vitality of rural communities"; "avoid the development of isolated homes in the countryside"



Housing: Maintaining supply and delivery:

- [74]: Strategic plans should include trajectory over whole plan period, consider setting out anticipated development rate for specific sites
- [74]: LPAs should identify and update a supply to provide a minimum 5YHLS against their requirement, including a 5% buffer, or:
 - 10% if using an 'annual position statement' [see Glossary], or
 - 20% if Housing Delivery Test shows delivery over last 3 yrs was <85% of requirement
- [76]: can demonstrate 5 yr HLS + Buffer if within one year of a plan's adoption, or the annual position statement has been endorsed by the SoS.

Housing: Consequences of failure to maintain supply and delivery



- [75] (cf old [49]): para. 11(d) applies if:
 - cannot show 5 yr HLS (+buffer)
 - or Housing Delivery Test shows delivery <75% over 3 years (though see transitional provisions in [211])
- [77]: Action plan if Housing Delivery Test shows delivery <95% over 3 years.

Housing: What is the Housing Delivery Test? (1)



“Measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.”

Glossary to the draft NPPF

What is the Housing Delivery Test? (2)



Housing Delivery Test draft Measurement Rule Book

The HDT is the percentage measurement of the number of net homes delivered (Table 1) against the number of homes required in a plan-making authority area.

$$\text{Housing Delivery Test (\%)} = \frac{\text{Total net homes delivered over three year period}}{\text{Total number of homes required over 3 yr. period}}$$

Housing: Other Consequences of Failing the HDT



- NPPF [77]: Publication of an action plan if housing delivery falls below 95%:

“The action plan is a document produced by the local planning authority to reflect challenges and identify actions”

- draft PPG page 21



- Nppf [74(c)] and fn 29: 20% buffer on LPA's five-year land supply if housing delivery falls below 85%



Housing: other points relevant to delivery

- [78]: LPAs
 - “should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability”*
- Major housing development: requirement to assess why earlier grant of planning permission for similar development on the same site did not start



Housing: Affordable Housing

- General expectation that AH will be on site unless robustly justified or contributes to mixed and balanced communities [63]
- No affordable other than on major sites (>10 units) or designated rural areas (>5 units); and gross floorspace discount for vacant buildings [64]
- In major developments at least 10% of the homes should be for affordable home ownership unless ‘significant prejudice’ ability to meet AH needs, or solely Build to Rent, special needs (e.g. PBA for elderly), self-builders or entry level housing [65]

Viability Assessment



Viability (1): Key points

- The new NPPF seeks to shift viability assessment from the decision-making to the plan-making stage: see esp.
 - plan making: [34]
 - decision making: [58]
 - Standardise viability assessment
 - [58]
 - draft new NPPG
-



Viability (2): “Frontloading” Assessment (para 34)

- Plans should set out the contributions expected in association with particular sites and types of development (including levels and types of affordable housing , infrastructure for education, health, transport, green and digital infrastructure)
- Plans should be supported by evidence which demonstrates that the policies will not make development unviable
- Plans should also set out circs. where further viability assessment at the decision making stage may be required.



Viability (3): Decision-Taking

- **NPPF [58]**

“Where proposals for development accord with all the relevant policies in an up-to-date development plan, no viability assessment should be required to accompany the application. Where a viability assessment is needed, it should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

- **Draft NPPG**

“The use of viability assessment at the decision making stage should not be necessary”



Viability Assessment (4): Plan making - approaches

Draft NPPG: viability assessment in plan making may adopt:-

- a *typology* approach where allocated sites share characteristics e.g. location, current/proposed use, size of site etc.
- *individual* site specific viability assessment for strategic sites i.e. sites critical to delivering the strategic priorities of the plan.

“Plan makers should engage with landowners, developers, infrastructure and affordable housing providers to secure evidence on costs and values to inform viability assessment at the plan making stage. In the absence of this evidence the site should not be allocated.”



Viability (5): NPPG on standardised assessment

For plan-making:

- Gross development value (potential receipts from the development)
 - MINUS development costs (including benchmark land value)
 - MINUS a sufficient return to developer (20% of GDV unless alternative figure supported by evidence)

= the amount available for contributions

Viability (6): Standardised assessment – NPPG and land values



- Benchmark value should be the **Existing Use Value** of the land + a premium to landowner
- EUV = the value of the land in its existing use together with the right to implement any development for which there are extant planning consents, including realistic deemed consents, but without regard to other possible uses that require planning consent, technical consent or unrealistic permitted development.
- Should
 - “*fully reflect the total cost of all relevant policy requirements including planning obligations and, where applicable, any Community Infrastructure Levy charge*”.
- Not the price paid, and should disregard hope value

Viability (7): What Should a Viability Assessment Look Like?



NPPG

- Display of inputs, assumptions and findings should aid interpretation and scrutiny.
- Any deviation in an application from plan-making viability assessment should be explained.
- Assessment should be publicly available except in exceptional circumstances. Redactions should be justified.
- Executive Summary in a standard template should set out the key figures, compare to the plan-making viability assessment and assess against policy requirements.



Viability (8): Review/Reporting/Monitoring

- Plans should say when a review mechanism will be required in a s.106, and specify what the consequences will be of a review indicating greater value
- General tone of encouragement for review mechanisms
- S.106 should be publicly available and include a standard template Executive Summary with key information
- Monitoring tool for s.106 obligations currently being developed
- Authorities should publish an annual Infrastructure Funding Statement using a standard template setting out CIL & s.106 income and outgoings.



Viability (9): Comments

- Noble intention to front-load, but is it realistic?
 - Viability assessment is development specific
 - Plan-making is a broad-brush exercise
 - Securing agreement between LPA, developers, landowners etc is challenging
 - Values change over time
- Standardising – both in substance and in presentation – is a positive development given the complexity of viability appraisal and it will solve the “circularity” problem, but developers will criticize the rigidity of only using EUV+ for land value, and others may attack the rigidity of accepting 20% developer return.

Plan Making



Plan Making (1)

- Plan making moved forward in NPPF to Chapter 3.
 - Chapter 3 provides broad guidance but plan makers need to look at the individual topic chapters for more detailed guidance as to what to include in the relevant plan.
 - 3 “levels” of plan:
 - Strategic Plans
 - Local Plans
 - Neighbourhood Plans
 - Key shift: change in emphasis in distinction between strategic and local policies
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Plan Making (2): Definitions

Strategic plan: a plan which sets out the strategic policies for an area in the form of an individual or joint local plan (which may also include local policies); or a spatial development strategy prepared by an elected Mayor or combined authority.

Local plan: Legally - the DPDs adopted under the Planning and Compulsory Purchase Act 2004. A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community.

Neighbourhood plans: Prepared by a PC or neighbourhood forum for a designated neighbourhood area.

Strategic policies: Policies and strategic site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the P&CPA 2004. Can be in either a strategic or a local plan

Local policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.



Plan Making (3): Which Policies are “Strategic”?

- Limited to the policies and strategic allocations necessary address strategic priorities.
- Content largely unchanged (old [156] new [20]), i.e. the policies needed to provide:-
 - Overall strategy for the pattern/scale of development (new)
 - Homes (including affordable housing) and workplaces needed
 - Appropriate retail, leisure & commercial development
 - Infrastructure (transport, telecoms, security, water, flood risk etc.)
 - Community facilities (health, education, cultural etc.)
 - Climate change mitigation, conservation/enhancement of the natural/built /historic environment/landscape
- Should not “extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other local policies”
- Should be specifically identified [21]



Plan Making (4): Strategic Plans and Policies

- Strategic plans should, as a minimum plan for and allocate sufficient sites to deliver the strategic priorities
- Policies should look ahead over a *minimum* 15 year period (cf old [157])
- Should be reviewed *at least* every 5 years and updated as necessary; and will need to be updated at least every 5 years if local housing need figure has increased.



Plan Making (5): What are Local Policies?

Local policies are detailed policies for:-

- Specific areas.
- Neighbourhoods.
- Types of development.

They can:-

- Allocate sites.
- Provide for infrastructure/community facilities at a local level
- Establish design principles.
- Set out development management policies.



Plan Making (6): Neighbourhood Plan Policies

Local policies in Neighbourhood Plans should:-

- *support* the delivery of strategic policies/spatial development strategies and shape/direct development *outside* of the strategic policies.
- *not* promote less development than set out in the strategic policies for the area or undermine the strategic policies. N.b. Strategic Plans to set a hsg figure for neighbourhood areas. No re-test of adopted figs. unless significant change in circs.

Once in force: take precedence over existing non-strategic policies in a local plan



Plan Making (7): Assessment of Plans & Soundness

- Main tests of soundness remain (old [182] cf. new [36]) but:
 - “**Justified**” is now just “an appropriate strategy” rather than “the most appropriate strategy”
 - “**Effective**” requires cross-boundary matters to have been “dealt with rather than deferred”, as evidenced by statements of common ground
- Test of soundness to be applied to local policies “in a proportionate way”, taking into account the extent to which they are consistent with relevant strategic policies
- “Basic conditions” for neighbourhood plans unchanged

Neighbourhood Planning



Neighbourhood Plans – continuing importance

- Current NPPF (Ministerial Forward):

*“...in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them. Dismantling the unaccountable regional apparatus **and introducing neighbourhood planning addresses this**”.*
- Housing White Paper, Para. 1.41

*“The **neighbourhood planning movement** has already been successful in encouraging communities to play a more active role in shaping their place, in terms of both how much and what gets built. **Over 270 neighbourhood plans have come into force since 2012.** Analysis suggests that giving people more control over development in their area is helping to boost housing numbers in plans. Those plans in force that plan for a housing number have on average planned for **approximately 10% more homes than the number for that area set out by the relevant local planning authority.**”*



Neighbourhood Plans: Content- “More detailed issues”

“30. Local policies can be used by authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles and setting out development management policies.

31. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

32. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan for that neighbourhood, where they are in conflict; unless they are superseded by strategic or local policies that are adopted subsequently.



Neighbourhood Plans and Design Policies

“Planning policies and decisions should support the creation of high quality buildings and places. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.”

[24]

Neighbourhood Plans and & Green Belt Boundaries



“Where a need for changes to Green Belt boundaries has been demonstrated through a strategic plan, detailed amendments to those boundaries may be made through local policies, including neighbourhood plans.”

[135]

Neighbourhood Plans and Housing Delivery (1)



- Tailored application of the para [11] presumption in favour of SD – see [14]:
 - “Where a neighbourhood plan that **has recently been brought into force** contains policies and allocations to meet its identified housing requirement, the adverse impact of allowing development that conflicts with **it is likely to significantly and demonstrably outweigh the benefits** where:*
 - a) *paragraph 75 of this Framework applies; and*
 - b) *the local planning authority has at least **a three year supply** of deliverable housing sites (against its five year housing supply requirement), and **its housing delivery was at least 45% of that required over the previous three years.**”*

(From Nov 2018 to Nov 2019 the requirement is “at least 25%” - [212(b)])



Neighbourhood Plans and Housing Delivery (2)

- ‘*Recently been brought into force*’ means a neighbourhood plan which was passed at referendum two years or less before the date on which the decision is made (footnote 9 to [14] and see also [212(a)] – the NDP will be considered “*recently brought into force*” up to and including 11 December 2018 even if approved at referendum more than 2 years before decision)
- Housing delivery - assessed against the Housing Delivery Test, from November 2018 onwards. Transitional arrangements are set out in Annex 1 to the Draft ([207]-[213]).



Neighbourhood Plans: Why it Matters

- Importance of NDPs increasing
- Increased emphasis on meeting identified housing need
- Increased scope for local policies in NDPs and possibly NDPs mainly or even only
- Is this a move towards Strategic Local Plans and Neighbourhood Plans?
- BUT the tests for and scrutiny of NDPs is less strict and more flexible than for Local Plans with often significant consequences for development prospects and tension with LPs especially as the requirement for general conformity under the basic conditions is with the local plan as a whole and does not require conformity with every policy (see *R (oao DLA Delivery Ltd.) v Lewes DC* [2017] EWCA Civ 58).

Green Belt



Green Belt changes – a summary

- Sets criteria for meeting the “*exceptional circumstances*” for change to GB boundaries [136 – 137];
 - Allows neighbourhood plans to amend detailed GB boundaries once need for GB change demonstrated through a strategic plan [135];
 - Provides/clarifies that the following are not to be regarded as inappropriate development:
 - a) affordable housing on rural exception sites in development plans [144f] [NB here no apparent limitation re impact on openness or GB purposes];
 - b) affordable housing where built on brownfield land in the GB and there is no *substantial* harm to openness [144g];
 - c) material changes of use of land for the purposes of outdoor sports and cemeteries where there would be no harm openness or conflict with GB purposes [145e];
 - d) Development under a Neighbourhood Development Order [145f] provided preserve openness and not conflict with GB purposes.
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Green Belt: Exceptional circumstances – background (1)

- NPPF presently provides for GB boundary changes only in “*exceptional circumstances, through the preparation or review of the Local Plan*” [83].
- EC undefined. Several recent cases considered EC in NPPF:
 - (1) **Gallagher Homes Limited v Solihull MBC** [2014] EWHC 1283 (Admin) per Hickinbottom J. – case concerned challenge to extension of GB to include sites being promoted for housing:
 - EC test unchanged from previous policy by present NPPF;
 - EC test the same whether proposal is to extend or diminish extent of GB;
 - “*it is not arguable that the mere process of preparing a new local plan could itself be regarded as an exceptional circumstance justifying an alteration to a Green Belt boundary*”;
 - “*once a Green Belt has been established and approved, it requires more than general planning concepts to justify an alteration*”



Green Belt: Exceptional circumstances – background (2)

- On appeal in **Gallagher** CA added ([2015] J.P.L. 713) “*the fact that a particular site within a council’s area happens not to be suitable for housing development cannot be said without more to constitute an exceptional circumstance, justifying an alteration of the Green Belt by the allocation to it of the site in question*”.
- And presumably reverse is true – site should not be removed from GB simply because suitable for housing.



Green Belt: Exceptional circumstances – background (3)

(2) **Calverton Parish Council v Nottingham City Council** [2015] EWHC 1078 (Admin) 99 Jay J. held (at [20]) that: *““Exceptional circumstances” remains undefined. The Department has made a deliberate policy decision to do this, entrusting decision-makers with the obligation of reaching sound planning judgments on whether exceptionality exists in the circumstances of the individual case.”* As result of draft revised NPPF this no longer the case ... no longer undefined.

(3) **R. (Luton BC) v Central Bedfordshire Council** [2015] 2 P. & C.R. 19 CA held at para. 54 that the VSC test *“is a stricter test than that in para. 83 in respect of changing the boundaries of the Green Belt in the local plan”*. How much stricter the CA did not say, the EC test never been easy to satisfy, even if VSC is stricter.



Green Belt: Exceptional circumstances – the rhetoric

- PM speech on launch of draft revised NPPF
 - *“too many local authorities and developers have been taking a lax view of what “exceptional” means. They’ve been allocating Green Belt sites for development as an easy option rather than a last resort” (!!!)*
 - and having referred to revised EC tests in para. 136 says *“[i]n the handful of cases where land does not have to be removed, council and developers will have to find ways to offset the impact”* (emphasis added).
- Con Doc *“The framework maintains the strong protections of the Green Belt and retains a high bar before Green Belt land may be released”*.

Green Belt: Exceptional circumstances – new criteria [136]



“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic plan-making authority should have examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of the plan”

Examination will take into account whether the strategy:

- makes as much use as possible of suitable brownfield sites and underutilised land;
- optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres, and other locations well served by public transport; and
- has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

Green Belt: Exceptional circumstances – new criteria (2)



- [137] *“Where it has been concluded that it is necessary to release Green Belt land for development, plans should”:*
 - give first consideration to land which has been previously-developed and/or is well-served by public transport; and
 - *“ ... set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.”*
- Does this add anything new? Most authorities in assessing if EC under existing NPPF would have considered these matters as set out in paras. 136 and 137 anyway. Maybe last point above re off-setting does?



Green Belt: Other matters

- Affordable housing on BF land – wider than proposal previously made to allow starter homes – now as con doc says “*all residential developments that contribute to meeting an identified local affordable housing need can use brownfield land*” so long as “*not cause substantial harm to openness*”. NB PM’s speech “*I’d rather see an ugly, disused power station demolished and replaced with attractive housing than a wood or open field concreted over – even if the former is in the Green Belt and the latter is not*”.
- In allowing material changes of use for sports and cemeteries draft revised NPPF is reversing effect of existing NPPF, as explained by CA in **R (Timmins) v Gedling Borough Council** [2015] P.T.S.R. 837 – this was a change from PPG2 and possibly always unintentional.



Green Belt: Where do the changes leave us?

- Strong protection for GB remains, and usual strong rhetoric abounds;
- Likely to be more focus in examinations on whether EC test met, and offsetting a further issue?
- Changes to definition of “*inappropriate development*” mostly minor;
- Affordable housing on brownfield land opens up a new possibility;
- VSC test though unchanged;
- GB going to largely continue to be an impediment to meeting acute housing needs;
- WMSs and PPG (see para. 34 Ref ID: 3-034-20141006) stating unmet housing need alone unlikely to constitute VSC likely to remain (not though to be incorporated into NPPF);
- On this (i) national policy does not say that it never be VSC can even alone see: **Doncaster MBC v SSCLG** [2016] EWHC 2876 (Admin); and (ii) in any event it can be a VSC when considered as part of a wider set of factors that together make up VSC see: **R (Smech Properties Ltd) v Runnymede District Council** [2016] JPL 677

Miscellaneous

Economic considerations and improving productivity



- Before:
 - Building a strong, competitive economy one of the three aspects of sustainable development;
 - Sustainable economic development the third core planning principle;
 - Detail found at [18-22];
 - After:
 - Building a strong, competitive economy remains one of the three aspects of sustainable development;
 - Economic considerations have their own chapter (6);
 - Substance similar to current [18-22];
 - Now significant weight to need to support economic growth and productivity; [82]
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Local Industrial Strategies

- Express reference to Government's White Paper, 'Industrial Strategy: Building a Britain fit for the future' (2017);
- Planning policies should have regard to Local Industrial Strategies produced under the White Paper policies [83(a)];
- Potential material consideration in decision making.



Protection of employment land

- [22] of current NPPF cf new chapter 11 (effective use of land).
- Requirement for regular reviews of allocations remains; also
- For developed sites not allocated for a specific purpose in the local plan, in areas of high housing demand, LPAs should
 - *"support proposals to use retail and employment land for homes... provided this would not undermine key economic sectors or sites or the vitality or viability of town centres, and would be compatible with the other policies in this Framework"*



Healthy communities

- Currently in chapter 8 of NPPF, Promoting Health Communities
 - Focus on community interaction and relations;
 - [73 – 74] protection for green spaces;
 - [171] requirement to “understand and take account of the health status and needs of the local population”
- New chapter 8, Promoting healthy and safe communities;
 - Emphasis on promotion of social interaction retained [92(a)];
 - Clearer emphasis on enabling healthy lifestyles. Planning policies and decisions should aim to [92(c)]:
 - “enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling”



Public safety

- Increased emphasis in new chapter 8 on promotion of safe communities;
- Proposed [96] requires policies and decisions to promote public safety by:
 - “a) anticipating and addressing all plausible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Local policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and*
 - b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.*



Estate regeneration

- New [94]:

“Planning policies and decisions should consider the social and economic benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.”

- Reflects the DCLG ‘Estate Regeneration National Strategy’



Heritage assets

- Largely a continuation of the approach in the current NPPF;
- Proposed [189] confirms case law that great weight should be given to all heritage harm:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, irrespective of the degree of potential harm to its significance. The more important the asset, the greater the weight should be.”

- Requirement to secure an asset’s optimum viable use (ex-[134]) removed [192].



Town centre uses

- Sequential test currently [124];
- Replaced by [87].

“Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

- Change explained as follows:

“This addition makes clear that suitable town centre or edge of centre sites do not have to be available immediately, in order to avoid prejudicing town centre or edge of centre sites that are in the pipeline but not available straight away.”



Well designed places

- The requirement for good design (NPPF part 7) has been changed to a requirement for well designed places (draft NPPF chapter 12);
- Landscaping should be “effective” (new [126]) rather than “appropriate” (current [58]);
- Unclear if substantive change intended by this new wording.



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