

Overview, the new wording of the presumption, transitional provisions and interpretation

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Landmark Chambers
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All about housing



- Consolidation of 2.5 years of proposals
 - Increasing the delivery of housing- how much and where? If not Green Belt then where?
 - Housing delivery test
 - Viability testing
 - 17 topic-based chapters- revealing priorities- new paragraph numbers
 - Stronger Plans; partial relaxation of the soundness test (para 36); 5-year review (para 23)
 - Neighbourhood Plans- WMS confirmed (para 14)
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The new wording of the presumption



- Substantial re-writing (para 11)
 - ‘aspects that have been subject to litigation’
 - Application- where the policies which are most important for determining the application are out of date
 - Exceptions where a proposal conflicts with protective policies- expressly limited to the policies in the new NPPF only (*Hopkins Homes*)
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Interpretation



- As a whole
 - *Turner v SSCLG* [2016] EWCA Civ 466
 - True interpretation of NPPF a matter for the Court (para 13)
 - NPPS as a coherent and self-contained statement of national planning policy (para 18) which should be interpreted objectively in accordance with the language used, in its proper context (para 21)
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Transitional provisions



- For decision taking- immediately
 - For Plan-making- a further six months
 - previous Framework applies to the examining of Plans submitted on or before the date 6 months after publication of the new Framework
 - None for the amended 'positively prepared' and 'effective' soundness tests nor for the introduction of statements of common ground
 - Stepped application of housing delivery
 - Neighbourhood Plans more than 2 years old covered by new para 14 until 12 Dec 2018
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