

**Draft Revised NPPF
Local Plans**

John Litton QC

Introduction



“The Government is ambitious about reforming housing and planning policy so that it is as effective as possible in improving the supply of homes. Therefore this consultation includes a number of further changes to policy, beyond those consulted on previously, to help ensure that more land is brought forward for development and that permissions are turned into homes as soon as possible.”

Objective



Implements policy changes set out in:-

- (a) Housing White Paper, Fixing our broken housing market (Feb. 2017); and
- (b) Planning for the right homes in the right places: consultation proposals (September 2017)

Consults on changes to planning policy announced in Autumn Budget 2017

Plan Making



- 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

Strategic Plans & Policies



3 new terms in the Glossary (Annex 2):-

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 (where this power has been conferred).

Strategic policies: Policies and strategic site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.



Strategic plan-making authority: Those authorities responsible for producing strategic plans (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing a strategic plan or not. (new)

Strategic Policies



- Plans should include the following strategic policies:-
 - Overall pattern/scale of development
 - Homes (including affordable housing) and workplaces needed. 5 year supply of specific, deliverable sites. Trajectory for the plan period
 - 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

Review & Update



- Policies should look ahead over a *minimum* 15 year period.
- Reviewed *at least* every 5 years and updated as necessary.
- Will need to be updated at least every 5 years if local housing need figure has increased.

Local Plans & Policies



Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. The local plan can consist of both strategic and local policies. (amended)

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

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.

Neighbourhood Plan Policies



Neighbourhood plans: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. (amended).

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.

Assessment of Plans & Soundness



- Positively prepared – aspirational but deliverable (meaning policies should be realistic and the total cumulative cost of all relevant policies should not make development unviable). Emphasis on meeting objectively assessed needs for housing.
- Justified – *appropriate* (not optimal) strategy taking account of reasonable alternatives based on proportionate evidence.
- Effective – deliverable over the plan period with Statements of Common Ground to demonstrate effective and on-going joint working between strategic plan making authorities (Duty to Co-operate).
- Consistent with national policy.

Viability Assessment in Plan Making



- Policy requirements (particularly affordable housing) should be set at a level that allows for allocated sites to be delivered without further viability assessment; and proposals in accordance with up-to-date development plans should not be required to provide a viability assessment. Viability assessment is primarily a plan making role.
- Plans should set out circs. where viability assessment at the decision making stage may be required.

Draft Updates to Planning Practice Guidance



- Plans should set out policy requirements for the contributions from different types of development (and sites) and in particular:-
 - Affordable housing
 - Education
 - Transport
 - Health
 - Green infrastructure
 - Digital infrastructure

Viability in Plan Making



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.

Implementation – Annex 1



- LPA's expected to revise or prepare new plans to reflect Framework policy changes.
- Existing policies not “out of date”. Weight depends on consistency with Framework.
- Plans submitted before a cut-off date (6 months after date of Revised Framework's publication) to take account of old Framework and not Revised Framework.
- Policy re. weight to be given to policies in emerging plans deleted.