

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

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What is the purpose of the proposals?

- Fairly clear from the consultation document that the apparent purpose is to attempt to increase the delivery of housing
- Introduction is largely about increasing the supply of housing
- Question for today – will the changes as a whole achieve that aim?

The amended wording of the presumption



- Reordering of wording to reflect plan- and decision-making in practice
- Expectation for objectively assessed needs to be met
- Defined list for restricting scale, type, distribution of development in plan area (or refusing PP)
- Plan-making emphasis on flexibility
- OAN is a minimum for strategic plans
- Silent/absent is now “no relevant development plan policies”

Other General Matters



- The numbering has changed!
- Overarching objectives not criteria for every decision
- Emphasis on plan-led system (para. 12)
- The neighbourhood plan WMS has been incorporated into the NPPF at (new) para 14
- Proposal to remove 'core planning principles' section
- NPSs may be material consideration for preparing plans (not just decisions on applications)
- Potential relevance of endorsed recommendations of National Infrastructure Commission

Transitional Provisions

- No 'full weight' paragraph for pre-amended NPPF policies
- 'Stop the clock' paragraph for examination of plans submitted on or before 6 months after the amended NPPF
- No proposed transitional arrangements for 'positively prepared' and 'effective' soundness tests
- Stepped application of housing delivery test
- (New) para. 14 will apply to neighbourhood plans more than 2 years old, until 12 December 2018

Interpretation

- NPPF has to be interpreted as a whole
- Presumably same applies to amended NPPF
- What is the relevance of previous version of the NPPF to interpretation?
Take care (*Turner v SSCLG* [2016] EWCA Civ 466)
- Possibility of ‘wrap around’ argument – that context of the NPPF has changed the interpretation? (Failed in *Redhill Aerodrome* [2015] PTSR 274)



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