

**The Draft Revised NPPF
&
Neighbourhood Planning**

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- Continuing importance of NPs
- Extending scope of NPs
- Neighbourhood plans and housing delivery
- Why these changes matter

1. CONTINUING IMPORTANCE OF NDPS



- The NP regime was introduced by the Localism Act 2011 as an essential element in the reversal of the regional planning regime and top down planning.
- The current NPPF, in the Ministerial Forward, encapsulates this:

*“...Yet, 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**”.*
- See Draft Revised NPPF at [32] – emphasis on local policies

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.***

2. EXTENDING SCOPE OF NDPS: GENERAL



- Emphasis now is strategic policies addressing strategic priorities for the area - Draft [17] and [20]-[25]
and
- Local Policies - see Draft at [18] & [19]:
 - 18. Where more detailed issues need addressing, local policies may be produced for inclusion in a local plan, or in a neighbourhood plan prepared by a neighbourhood planning group (a parish or town council, or a neighbourhood forum).*
 - 19. It is the combination of these statutory plans, produced at the strategic and local levels, that makes up the 'development plan' for a particular area.*
- But see Draft also at [30]-[33] re. “Local Policies”

Draft Annex 2: Glossary



- **Local policies:** policies contained in a **neighbourhood plan**, or those policies in a local plan that are not strategic 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.*
- **Neighbourhood plans:** A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area.

Draft paras. [30]-[32]



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. (See also Draft [13])*

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.*

Specific Topics: Design Policies & Green Belt Boundaries



DRAFT [124] ACHIEVING WELL-DESIGNED PLACES:

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.

DRAFT [135]: 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.

3. NP & HOUSING DELIVERY

- Presumption in favour of SD –Draft [11] – see 11(d) re. “out of date”
- No change in statutory status of development plan as the starting point for decision making including any NDPs brought into force – Draft [12]
- *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)])

DRAFT [75]:

For applications which include housing, paragraph 11d of this Framework will apply if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), or where the Housing Delivery Test indicates that delivery of housing has been substantially below the housing requirement over the previous three years.

(See Draft [211] for meaning of substantial under delivery)

- *'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]).

4. 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).