

**The 2018 NPPF
&
Neighbourhood Planning**

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1. Continuing importance of NPs
2. The extending scope of NPs
3. NPs and housing delivery
4. 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 **2012 NPPF**, in the Ministerial Forward, encapsulated 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**”.*
- The **Housing White Paper** (e.g. at 1.41) referred to the success of NP in terms of community involvement and boosting housing numbers.

Delivery of Housing v Wishes of Local Community

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2. INCREASING SCOPE OF NDPS: GENERAL



- **Strategic policies** can be contained in:
 - (i) joint or local individual plans [17]; and/or
 - (ii) a spatial development strategy produced by elected Mayor or combine authority (where plan-making powers have been conferred).
- **Non-strategic matters:**
 - 18. Policies to address non-strategic matters should be included **in local plans** that contain both strategic and non-strategic policies, **and/or in local or neighbourhood plans that contain just non-strategic policies.***
 - 19. The development plan for an area comprises **the combination of strategic and non-strategic policies** which are in force at a particular time.*

Limit of strategic policies & Scope of non-strategic policies



21. *Plans should make explicit which policies are strategic policies. These should be **limited to those necessary to address the strategic priorities of the area** (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. **Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.***
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28. *Non-strategic policies should be used by local planning 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, conserving and enhancing the natural and historic environment and setting out other development management policies.***

Scope of Neighbourhood Plans



29. *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.***

(FN16 Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.)

Annex 2: Glossary



- **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 either **strategic or non-strategic policies, or a combination of the two.***
- **Non-strategic policies:** *policies contained in a **neighbourhood plan**, or those policies in a local plan **that are not strategic policies.***
- **Neighbourhood plans:** *A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.*

Which means....



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

Specific Topics: Design Policies & Green Belt Boundaries



ACHIEVING WELL-DESIGNED PLACES:

125. 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.

GREEN BELT BOUNDARIES:

136.....Where a need for changes to Green Belt boundaries has been demonstrated through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

3. NP & HOUSING DELIVERY



- Presumption in favour of SD –[11] – see [11](d) re. “out of date” >
*14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, **the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits**, provided all of the following apply:*
 - a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
 - c) the local planning authority has **at least a three year supply of deliverable housing sites** (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
 - d) the local planning authority’s **housing delivery was at least 45%** of that required over the previous three years.*

This enshrines the approach of the WMS December 2016.

[11]d) – “out of date” – adverse effects
“Would so significantly and demonstrably
outweigh the benefits”

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For Local Plan Policies:

5 years HLS including buffer ([73])

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Housing delivery less than 75% of
the housing requirement over the
previous 3 years

For Neighbourhood Plan Policies:

3 years HLS including buffer ([14])

&

Housing delivery less than 45% of
the housing requirement over the
previous 3 years ([14])

Transitional Provisions (Annex 1)



216. For the purpose of paragraph 14:

- a) up to and including 11 December 2018, paragraph 14a also includes neighbourhood plans that became part of the development plan more than two years before the date on which the decision is made; and*
- b) from November 2018 to November 2019, housing delivery should be at least 25% of that required over the previous three years, as measured by the Housing Delivery Test.*

The Counterbalance?

Housing requirement figure



65. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period.....**strategic policies should also set out a housing requirement for designated neighbourhood areas** which reflects the overall strategy for the pattern and scale of development and any relevant allocations. **Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.**

66. Where it is not possible to provide a requirement figure for a neighbourhood area, **the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body.** This figure should take into account factors such as **the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.**

4. WHY IT MATTERS

- Importance of NDPs increasing – housing/design/GB/Local Green Space (2018 NPPF [99])
- Increased emphasis on meeting identified housing needs
- Increased scope for non-strategic policies in NDPs and possibly NDPs mainly or even only
- Is this a move towards Strategic Local Plans and Neighbourhood Plans? In any event need to be aware of increasing role of NDPs
- BUT the tests for and scrutiny of NDPs is even less strict and more flexible than for Local Plans with often significant consequences for development prospects and tension with LPs ([37])

Will it all end like this?

