DRAFT REVISIONS TO THE NPPF

BRIEFING NOTE - March 2018

The Government this week published its draft revisions to the National Planning Policy Framework (NPPF) – the biggest shake up since its introduction in 2012.

The revised Framework incorporates policy proposals on which the Government has previously consulted, alongside additional proposals. The presumption in favour of sustainable development remains at the heart of the Framework.

Here, Pegasus Group Directors comment on the proposed changes in their fields of expertise.

PROMOTING SUSTAINABLE TRANSPORT

Tony Jones, Director, Transport: “The ethos of the revised NPPF remains unchanged, in that developments should be located in locations that are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. It also retains the principles that developments should only be refused where it is considered that the residual and cumulative traffic impacts are severe.

“The revised NPPF does reemphasise that the opportunities for developments to maximise sustainable transport will vary between urban and rural areas, and that this should be taken into account during both the plan-making and decision-making processes.

“In this respect, paragraph 85 suggests that local authorities should adopt an even more flexible approach when assessing the accessibility credentials of local commercial / business and community needs in rural areas. It accepts that sites for these uses may have to be found outside the existing settlements, in locations that are not well served by public transport.

“These developments will still need to demonstrate that there is no adverse highway safety or traffic impact issues and that they have looked to exploit any opportunity to make a site more sustainable. However, a greater degree of discretion should be adopted by local planning and highway authorities in this respect. The interpretation of this paragraph will be helpful for redevelopment and relocation of sport facilities in rural locations, for example.

“Paragraph 107 appears to remove the amount of weight given to maximum parking standards for non-residential developments, advising that maximum parking standards for both residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local highway network.

“This evidence based minimum parking provision approach has already been adopted for residential developments with the parking provision provided based on the site’s accessibility, type, mix and use of developments; the availability of public transport and local car ownership levels. It has therefore been helpful in designing residential schemes that provide enough parking spaces and minimise unsightly on-street parking based on a common sense approach where it is acknowledged that people who own a car may not necessarily always travel by car.

“The minimum parking led approach for non-residential developments appears to contradict the main principles of the revised NPPF as advised above, which is to seek to encourage people to travel less distance and use sustainable modes of transport. The current approach for non-residential development car parking provision appears to be heading back towards a more pick and provide method.

“It will be interesting to see how this will be interpreted and adopted within Travel Plans seeking to minimise single occupancy car travel if there is no restriction on the car parking provision to meet clients / developers / operators operational needs.”
SUPPORTING HIGH QUALITY COMMUNICATIONS

Simon Tarr, Director, Property & Acquisition: “We have seen very little change here, although the addition of a single sentence advising that policies should set out how digital infrastructure is expected to be delivered and upgraded over time, may well be helpful. LPAs will need to consider the deployment of sites on an overall network perspective, rather than a micro site specific basis.”

ACHEIVING WELL-DESIGNED PLACES

Edward Turner, Design Director: “More emphasis has been put on high quality design and this is welcome.

“Minimum density has now been brought back into planning policy and there is a drive in the draft for making effective use of land and building at higher density in city and town centres and locations well served by public transport.

“Paragraphs 123 will change the ‘up to’ quantum of residential and could potentially require more detail at an early planning stage on minimum densities and the application of a range of densities instead of an overall average density. This is welcome news for the creation of well-designed places.

“Design Codes are now listed as a design tool that could be asked for by local authorities and in the future may be listed as a condition within planning decisions. There is a clear drive for applications to set out clearer design visions and expectations at the outset and for the creation of a ‘sense of place’.”

CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

Gail Stoten, Heritage Director: “Paragraph 189 has been revised to clarify that when considering the impact of a proposed development on a designated heritage asset, decision-makers should give great weight to the asset’s conservation irrespective of whether the potential harm to its significance amounts to ‘less than substantial harm’ or ‘substantial harm or total loss’ of significance.

“The current text of the NPPF states that the conservation of a designated heritage asset should be given great weight and, although this statement is given in paragraph 132 which later deals with substantial harm, it was commonly read as apply to all levels of harm. Hence, this is genuinely a clarification rather than a major change.

“Paragraph 182 has been revised to clarify that World Heritage Sites are recognised internationally for their Outstanding Universal Value and that this forms part of their significance and should be taken into account. This would have been taken into account in a thorough assessment of significance previously.

“Paragraph 192 has been revised to remove the clarification which was previously set out within paragraph 134 that public benefits of a scheme could ‘include securing its optimum viable use’. This is however still contained within bullet point a) of paragraph 183 which sets out that Local Authorities should take it into account when preparing positive strategy for the conservation and enjoyment of the historic environment.

“A minor point, non-designated heritage assets of a significance commensurate with a Scheduled Monument are explicitly mentioned in Footnote 7 (the new version of ‘Footnote 9’), but again I would consider this a point of clarification.”
FACILITATING THE SUSTAINABLE USE OF MINERALS

Chris Jarvis, Director, Minerals & Waste: "There is very little change in the minerals chapter with little or no change to the policy in relation to aggregate minerals - the wording has been changed slightly to make policies a little more vague but in practice it won't make any difference.

"With regard to Industrial minerals, the consultation draft has removed the need to provide a landbank for specific sites for silica sand, cement and brick clay.

"The biggest change is with regard to oil, gas and coal exploration and extraction. The consultation draft now requires mineral planning authorities to recognise the benefits of on-shore oil and gas development (including fracking) and put in place policies to facilitate their exploration and extraction.

"This should give encouragement to the unconventional hydrocarbon industry when dealing with application for exploration, appraisal and production."

GREEN BELT

Chris May, Planning Director: "There is a significant focus on re-use of brownfield land and increased densities, in particular as part of a new paragraph setting out some tests defining exceptional circumstances for releasing land from the Green Belt.

"However, this is based on an oft-repeated view that more housing land can be provided in urban areas avoiding the need for Green Belt release. It will not provide the complete answer to the housing crisis this time around either.

"The draft sees the expected demise of references to HMAs and SHMAs, and the inclusion of references to the Housing Delivery Test means there is now an additional route to the 'tilted balance'.

"The housebuilding industry will be concerned about the requirement for policies to set out the size, type and tenure of an ever-increasing list of different groups in the community, and it might be hard to reconcile these requirements with increased densities.

"Otherwise, I agree that the NPPF as drafted is unlikely to have a profound effect on increasing the supply of housing."

Sarah Hamilton-Foyn, Regional Director: "No surprises as the changes have been well trailed in the Housing White Paper. There seems to be more emphasis on plan making and strategic plans, and given that the issues cross district boundaries this is not surprising. While the Government is emphasising that Green Belt policy is made stronger by these changes, in reality, much of what is proposed is already part of planning practice.

Some key points to note:

- Retains high bar before Green Belt can be released.
- New Green Belt can be considered eg around or adjoining new developments of significant size (paragraph 73).
- Retains the need to promote sustainable patterns of development, should be taken into account when reviewing Green Belt but this is now balanced with increasing emphasis on using brownfield first in the Green Belt, or which is well-served by public transport.
- Interesting reference to strategic plans, reflecting the fact that Green Belts often cross district boundaries and these issues need to be addressed in joint plans strategic plans para 135 ‘Strategic plans should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. 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.’
- More emphasis now on the need to examine fully all other reasonable options for meeting identified need for development before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries (most authorities were doing this anyway as development in the Green Belt is such a contentious and political issue) (paragraph 136).
- This `exceptional circumstances test’ will be assessed through the examination of the plan, and key issues are going to be:
  - Making as much use as possible of suitable brownfield sites and underutilised land;
  - Increasing emphasis on the density of development – higher density in towns and locations well served by public transport
  - discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground. This will no doubt call for much discussion between authorities of the “quality of the Green Belt” in terms of meeting the 5 purposes and may be support the need for Green Belt reviews across authorities. Pass the parcel! Interestingly, exporting need is, therefore, required prior to removing land in own District."
When land from the Green Belt is to be removed should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land (paragraph 137). This was well trailed in the Housing White Paper.

New emphasis when defining boundaries LPA will need to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period (paragraph 138).

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 (paragraph 135).

More emphasis now on positive management of Green Belt, enhancing its use, improving opportunities for access, sport, recreation etc. and improving derelict land (paragraph 140).

New clause added under exceptions to inappropriate development - i.e. where development would re-use previously developed land and contribute to meeting an identified local affordable housing need, not cause substantial harm to the openness of the Green Belt (paragraph 144 (f)).

Change to other forms of development that are not inappropriate in the Green Belt i.e. provided they preserve its openness and do not conflict with the purposes of including land within it such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds, so long as the development would preserve openness (paragraph 145 (el)).

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“Social impacts are particularly important, especially when looking at the community-wide benefits of schemes. Traditional economic indicators (jobs, GVA creation etc.) are also important, but so too is the need to show how schemes can generate other benefits such as reducing demand on public services. An example here is how accommodation geared towards elderly people can lead to cost savings for the NHS.

“As a final point, housing seems to dominate the agenda. I can understand why this is the case, but I was expecting more to be said about the importance of planning for jobs in the right places. Sustainable development isn’t just about homes – we need the jobs to attract people to an area in the first place, otherwise the obvious result will be people living in one place but commuting to another for work.”

ECONOMICS

Richard Cook – Associate, Economics: "Paragraph 61, which states that Councils will have to adopt a new nationwide standard showing housing need in their areas, should in theory help to provide some clarity around how much housing is needed in local authorities.

"However, there remains a risk that the standardised methodology could exacerbate the North/South divide and there is still the issue of whether future economic drivers are included in the calculation or not.

"Since the creation of Local Enterprise Partnerships, virtually every LEP will have a Strategic Economic Plan which outlines long-term growth ambitions. It is generally the case that the growth ambitions in the SEPs aren’t reflected in employment and housing land requirements in Local Plans. It will be interesting to see how the standardised methodology will address this.

"Paragraph 94 reflects the Housing White Paper proposal that policies and decisions should consider the social and economic benefits of estate regeneration. This is welcome, given that the economic and social impact of proposed schemes is an important measure when considering the extent to which they can be considered as contributing towards sustainable development.

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