

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	25 April 2018
<b>Subject:</b>	Draft Revised National Planning Policy Framework Consultation
<b>Report of:</b>	Annette Roberts, Head of Development Services
<b>Corporate Lead:</b>	Robert Weaver, Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Built Environment
<b>Number of Appendices:</b>	Two

## **Executive Summary:**

This report informs Members of the government's consultation on a draft revised National Planning Policy Framework (NPPF) and sets out the proposed response on behalf of Tewkesbury Borough Council to the consultation.

## **Recommendation:**

- 1. To APPROVE the response to the Draft National Planning Policy Framework consultation at Appendix 2 for it to be submitted on behalf of Tewkesbury Borough Council.**
- 2. To DELEGATE AUTHORITY to the Head of Development Services, in consultation with the Lead Member for Built Environment, to add further comments to the response prior to its submission on behalf of Tewkesbury Borough Council.**

## **Reasons for Recommendation:**

To ensure that the Council is able to make representations on the draft NPPF.

## **Resource Implications:**

Officer time in considering the draft NPPF.

## **Legal Implications:**

The draft revised NPPF is an emerging government policy document which not only incorporates government policy changes since the publication of the first Framework in 2012, but also revises the text to reflect both previous government announcements/proposals and new policy changes proposed as part of the current consultation. It therefore needs to be taken into account as a potential material consideration in development management decisions, though depending on the particular policy, the weight to be attached will be limited by the document being only a draft at this stage. It will also (according to its implementation provisions) be a relevant National Policy which local planning authorities must have regard to when producing local development documents once it replaces the current Framework.

**Risk Management Implications:**

The draft NPPF could have implications for both decision making and plan making.

**Performance Management Follow-up:**

None.

**Environmental Implications:**

The draft NPPF could have implications for both decision making and plan making that could influence how development comes forward in future and thus having environmental implications.

## **1.0 INTRODUCTION/BACKGROUND**

- 1.1 In 2012 the government first introduced the NPPF to clearly and simply set out the national planning policies for England and how they are expected to be applied. This was accompanied in 2014 by the Planning Practice Guidance to provide further detail on the implementation of the NPPF. Since this time, the NPPF has been a material consideration in planning decisions and is to be taken into account in the preparation of local plans.
- 1.2 In order to increase the number of homes being built the government announced that it would be reforming current planning policy including the NPPF. As a result the government published the 'Fixing our broken housing market' White Paper in February 2017 which consulted on a range of measures focussed on increasing housing delivery. This was then followed by the 'Planning for the right homes in the right places' consultation in September 2017 which expanded on the White Paper and set out more detailed policies and measures that could form part of a revised NPPF.
- 1.3 This has subsequently led to the publishing of the draft revised NPPF which takes on board measures already introduced through legislation and written ministerial statements since the NPPF was published; policy proposals upon which the government has previously consulted, as well as the consultation responses to them; and together with some additional proposals. Consultation on the draft revised NPPF runs from 5 March to 10 May 2018 and the Government intend to publish a final revised NPPF in Summer 2018. The draft NPPF is provided at Appendix 1, with the main changes summarised below. For reference as part of this consultation the government has also published a Housing Delivery Test Draft Measurement Rule Book and a Draft Planning Practice Guidance for Viability.

## **2.0 SUMMARY OF KEY CHANGES**

- 2.1 The draft NPPF introduces a wide range of changes that incorporate new policies that will have an impact on how development comes forward. Although much of the existing wording of the NPPF remains, key changes have been made to the following areas:
- Presumption in favour of sustainable development;
  - Plan making (including Neighbourhood Plans);
  - Housing requirements;
  - Affordable housing;
  - Housing supply;

- Housing mix and density; and
- Green Belt.

The changes proposed in these areas of policy could result in a significant change in how the Council is required to make decisions on planning applications and develop future local plan documents.

## 2.2 Presumption in Favour of Sustainable Development

The presumption in favour of sustainable development is maintained in the draft which states that both plans and decision making should apply the presumption, but the language is changed in respect of both. For decision taking, the new draft text refers to 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date'. This is a change from the current NPPF which refers to 'where the development plan is absent, silent or relevant policies are out of date'. It is unclear what 'policies which are most important' would be, but in any particular case this could mean the supply of housing, but also policies covering issues such as design, landscape, conservation etc.

## 2.3 Plan Making

In relation to plan making, the draft NPPF introduces a new requirement that strategic policies should look ahead over a minimum 15 year period from adoption, that they should be reviewed to assess whether they need updating at least every five years (reflecting a legal requirement to review at least every five years which came into force on 6 April 2018), and the reviews should be completed no later than five years from adoption. The draft document reaffirms the need for cooperation between local planning authorities, county councils and other 'prescribed bodies' (e.g. Environment Agency, Highways England etc) but sets out that plan-making authorities should prepare and maintain statements of common ground to address cross-boundary matters.

## 2.4 Neighbourhood Plans

Support for Neighbourhood Plans is maintained but the document states that they should support the delivery of strategic policies set out in the local plan and should shape and direct development. In that regard it sets out that neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those policies. The draft NPPF also includes a provision which states that, where a neighbourhood plan has been brought into force and contains policies and allocations to meet its housing requirements, the adverse impact of allowing development that conflicts with it is likely to significantly outweigh the benefits. This applies where an authority can demonstrate a 3 year supply of housing and meets the Housing Delivery Test (see below).

## 2.5 Housing Requirements

In determining housing requirements the draft document states that plans should be based upon a local housing need assessment, conducted using a new standard methodology, which will be set out in the supporting national planning guidance. Although not set out in the draft NPPF, the previous consultation on the standard methodology provided transitional arrangements which would mean that authorities with a recently adopted plan would not have to re-calculate housing needs until reviewing their plan. The draft NPPF introduces an expectation that local authorities should provide a housing requirement figure for designated neighbourhood areas.

## 2.6 Affordable Housing

In regard to affordable housing (in which the new definition includes starter homes), the draft NPPF states that contributions should not be sought for developments that are not on major sites, other than in designated rural areas (such as the AONB). There is no definition of 'major sites' and it is not clear whether this threshold will include the further criteria that the development has a floorspace of no more than 1,000 sq m as is part of the written ministerial statement of 24 November 2014. The document also expects that at least 10% of homes on major housing developments (which is defined as development where 10 or more homes will be provided or the site has an area of 0.5 hectares or more) to be available for affordable home ownership. The consultation also introduces a new 'entry level exception site' provision (similar to the existing exception site policy) which would allow for unallocated sites outside of, but adjacent to, existing settlements which comprise a high proportion of entry-level homes offered for discounted sale or affordable rent.

## 2.7 Housing Supply

In judging housing supply the draft NPPF continues the need for authorities to demonstrate a five year supply of deliverable housing against their requirements. However, there is new guidance on the application of buffers and the document clarifies that a 20% buffer should be applied where there has been significant under delivery for the previous three years; as opposed to where there has been 'persistent under delivery' currently. There is also opportunity for authorities to produce an annual position statement which enables the five year supply to be agreed for a year. However, this position statement must be consulted on and approved by the Secretary of State and would be subject to a 10% buffer.

## 2.8 Housing Mix & Density

The draft NPPF also introduces a new Housing Delivery Test which runs alongside the need to demonstrate a five year supply. This requires authorities to demonstrate that housing delivery was above 25% of their requirements over the previous three years in November 2018. This percentage then rises to 45% in November 2019, and 75% in November 2020. Failure to demonstrate a five year supply or to meet the Housing Delivery Test means that the presumption in favour of sustainable development would apply.

2.9 In relation to housing and site mix, to encourage small and medium housebuilders and increase the diversity of sites, the draft NPPF provides some measures to help the delivery of small sites. Of most significance it sets out that planning authorities should ensure that at least 20% of sites identified for housing in local plans are of half a hectare or less. It also encourages working with developers to look at the subdivision of larger sites that could help to speed up delivery.

2.10 The draft NPPF includes a new chapter which encourages making the most effective use of land. This promotes the reuse of brownfield land and also land held in public ownership. The document also requires planning authorities to take positive approach to alternative uses of land which is currently developed but not allocated where it would help to meet development needs. In particular the document references the use of retail and employment land for homes in areas of high housing demand where this would not undermine key economic sectors. Achieving appropriate densities is a further issue that is highlighted and the draft NPPF states that, where there is an existing or anticipated shortage of land for housing needs that it is important that policies and decisions avoid homes being built at low densities. The document suggests that future plans could be required to set out minimum densities to be achieved on sites.

## 2.11 Green Belt

The protection for Green Belt is maintained and the government continues to attach great importance to them. However, there a number of changes, in the current NPPF it states that Green Belt boundaries should only be altered in exceptional circumstances through the preparation of a local plan. The draft NPPF proposes a change of emphasis and goes beyond the current guidance in stating that before concluding that exceptional circumstances exist, the authority should have examined fully all reasonable options for meet its identified need for development including whether the strategy optimises the density of development and has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development.

- 2.12 Furthermore, the draft NPPF provides that detailed amendments to Green Belt boundaries may be made in neighbourhood plans as well as local plans where the need for changes has been demonstrated through a strategic plan. There is also particular provisions for the limited infilling in respect of affordable housing that not only where this is under policies in the development plan, but also where this is on previously development land and either this would not have a greater impact on the openness of the Green Belt than the existing development or it contributes to an identified local affordable housing need and would not casue substantial harm to the openness of the Green Belt.

## 3.0 **RESPONSE TO THE CONSULTATION**

- 3.1 A response to the consultation is provided at Appendix 2 to this report. It covers the key issues that are pertinent to Tewkesbury Borough Council. It is not proposed to respond to every change proposed but to focus on those changes that would the most significant impact on the delivery of planning and development in the Borough. It is itended that this will form part of a joint response together with the other Joint Core Strategy authorities. However, this does not stop an individual authority putting forward any comments it may wish to in response to the consultation.

## 4.0 **RELEVANT COUNCIL POLICIES/STRATEGIES**

- 4.1 Tewkesbury Borough Local Plan to 2011.  
Joint Core Strategy (2011 – 2031).  
Emerging Tewkesbury Borough Plan (2011-2031).

## 5.0 **RELEVANT GOVERNMENT POLICIES**

- 5.1 National Planning Policy Framework (2012).  
National Planning Practice Guidance.  
Housing White Paper (February 2017).  
Planning for the right homes in the right places (September 2017).  
Draft Planning Practice Gudiance for Viability.  
Housing Delivery Test Draft Measurement Rule Book.

## 6.0 **RESOURCE IMPLICATIONS (Human/Property)**

- 6.1 Officer time in considering the draft National Planning Policy Framework.

- 7.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 7.1 The draft National Planning Policy Framework could have implications for both decision making and plan making that could influence how development comes forward in future and thus having environmental implications.
- 8.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 8.1 None.
- 9.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 9.1 None.

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**Contact Officer:** Matthew Barker, Planning Policy Manager Tel: 01684 272089  
Email: [matthew.barker@tewkesbury.gov.uk](mailto:matthew.barker@tewkesbury.gov.uk)

**Appendices:** 1: National Planning Policy Framework – draft text for consultation.  
2: Tewkesbury Borough Council response to draft NPPF.