

## The new National Planning Policy Framework is released in time for the summer break



At the eleventh hour before Parliament broke for recess and amid a flurry of social media anticipation (“#freetheNPPF” trending heavily), the Government has finally released its new National Planning Policy Framework (NPPF), replacing the erstwhile version published in 2012.

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The new NPPF represents the Government’s planning policies for England when local authorities are determining planning applications, albeit it will only come into force relative to local plan making for plans that are submitted for examination after 24 January 2019.

The document has been sold by the Government as a key tool in unlocking housebuilding, but in truth it is very tempting to see it as an update of its predecessor, rather than a root and branch reform. For example, the concept of the “presumption in favour of sustainable development” remains, and the policy framework relative to matters such as retail and the Green Belt remains largely unaltered.

Nevertheless, there are a number of important headlines, as well as concepts formalised, within the document. Some of the key points arising are as follows:

- **Standardised housing need** – the Government’s standard methodology for calculating a local authority’s need for housing will come into force on an England-wide basis in January 2019. However,

allowance is made for local plans not meeting all of its identified need for housing in “exceptional circumstances”, and one can anticipate a number of local authorities arguing that these arise in their areas.

- **Housing delivery test** – every November, the Government will publish statistics of how many new homes are delivered in each local authority against the number of homes needed (see above). Where authorities score poorly in this will trigger the “presumption in favour of sustainable development” (as will a lack of five year housing land supply). Most developers will welcome this, but it can be anticipated that how this works in practice will be debated for some time to come.
- **Green Belt** – although the basic principles of the Green Belt remain from the previous NPPF (which, in itself, broadly replicated its predecessor on the matter, PPG2), there are some differences. Potentially the most significant change is the inclusion of the redevelopment of brownfield sites that would “contribute to meeting an identified affordable housing need” and not cause “substantial harm” to the Green Belt as “appropriate development”.

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- **Viability and affordable housing** – unlike the draft NPPF published earlier in the year, the final document explicitly confirms that developers will continue to be able to submit viability assessments on individual sites at the planning application stage. However, the onus is on the developer to make a site specific case. Local authorities are given discretion as to how much weight this should carry, and the price paid for a site cannot be used as a basis for benchmark land value. The Government published new guidance providing further details on this in parallel to releasing the NPPF – we will issue a more detailed newsletter on the key points arising shortly.
- **Design quality** – the document places additional focus on design and indicates that the quality of development should not be “materially diminished between permission and completion” – however, few suggestions are presented as to how this should be implemented.
- **Residential density** – the well-established principle of making the best use of land is strengthened, and the document states that local authorities should adopt minimum density standards in their areas, and take a flexible approach to matters of daylight and sunlight.

Looking at the bigger picture again, although the focus on dealing with England’s massive shortage of housing is laudable, there is a risk that other land uses are overlooked. Not least, the NPPF appears to have little new to say as to how the planning system can ensure employment-generating development (not least retail) can adapt to an ever-changing economy.

Largely, the NPPF should be seen as evolution of the existing planning system, and it is a positive step forward even if it is not a leap. However, if experience from the last NPPF is anything to go by, one can expect a flurry of appeals over the coming years as developers and local authorities put the document into practice.

For any future details on this Planning Policy please get in touch directly with **Jason Lowes**, Partner in Rapleys Town Planning department.

