

19 March 2018

Report of	Assistant Director: Corporate & Policy	Author	Laura Chase
Title	National Planning Policy Framework Consultation		
Wards affected	All		

1. Executive Summary

- 1.1 This report summarises proposed changes to the National Planning Policy Framework and provides committee members with the opportunity to feed in to the Council's response to the consultation.

2. Recommended Decision

- 2.1 That the Local Plan Committee notes the consultation on the National Planning Policy Framework and advises officers on any points it would wish to see included in Colchester Borough Council's response to the consultation. The response will subsequently be finalised by means of a Portfolio Holder Report prior to submission to Government.

3. Reason for Recommended Decision

- 3.1 To ensure the committee is made aware of the proposed changes to the NPPF and given the opportunity to influence the Council's consultation response to Government.

4. Alternative Options

- 4.1 The Council could decide not to respond to the consultation, but this would miss the chance for the Committee to debate and comment on the proposed changes.

5. Background Information

- 5.1 The Government published draft revisions to the National Planning Policy Framework on 5 March. Included within the information published by the Ministry of Housing, Communities and Local Government alongside the revised NPPF was a report which summarises the changes proposed and highlights the questions asked in the consultation. It is attached as Appendix 1. The document itself along with other papers published and as detailed below, are available here;

<https://www.gov.uk/government/collections/national-planning-policy-framework-and-developer-contribution-consultations>

Key issues are summarised below, and further information on the potential implications for Colchester will be presented verbally at the Committee once officers have had time to analyse proposals in more detail.

- 5.2 The proposed changes to the framework, the first since the original version was issued six years ago, include changes arising from the following previous policy consultations and planning policy changes:
 - NPPF consultation on proposed changes (December 2015)

- Housing White Paper (February 2017)
- Planning and Affordable Housing for Build to Rent (February 2017)
- Planning for the Right Homes in the Right Places (September 2017)
- Changes to planning policy implemented through Written Ministerial Statements since 2012
- Changes reflecting the effect of case law on the interpretation of planning policy
- Improvements to the text to increase coherence and reduce duplication.

The consultation also seeks views on further changes to planning policy including those announced at Budget 2017.

- 5.3 In addition to changes to the NPPF, the Government is also publishing a number of supporting documents, government responses, and further consultations including the following:
- Supporting Housing Delivery through Developer Contributions: consultation;
 - Draft Planning Practice Guidance for Viability;
 - Housing Delivery Test: draft measurement rule book;
 - Government responses to the Housing White Paper and the Planning for the Right Homes in the Right Places consultations; and
 - Section 106 Planning Obligations and the Community Infrastructure Levy in England, 2016 to 2017: report of study.
- 5.4 The NPPF revision has included changes to structure as well as content. The document is now set in 17 topic-based chapters which provide an overview of the planning framework and the relevance of different policies. All the 2012 NPPF paragraph numbers have been changed, so new references will need to be memorised.
- 5.5 **Housing** – The NPPF review focuses on ways to improve delivery to reach the 300,000 homes per year target and how to increase affordable housing provision. The standardised methodology for calculating local housing need developed by the Local Plans Expert Group is included, with details to be set out in forthcoming revisions to Planning Practice Guidance. Policies regarding design, densification, affordable home ownership expectations, the housing delivery test, making the most of town centre sites, and small sites are spread across the document. A new proposed policy allows the development of exception sites to provide entry-level housing for first-time buyers (and renters) (para 72).
- 5.6 **Plan making** - Plans have been strengthened and provided with an even greater role, further underlining the Government's intention for the English planning system to be a plan-led one, with a focus on strategic policies. The plan-making chapter (3, paras 15-38) reflects previous announcements and/or changes made through primary legislation, such as for local plan policies to be reviewed 'at least once every five years' (para 23), and proposed tweaks to the tests of soundness (para 36). The duty to co-operate would be bolstered by a requirement for the preparation of statements of common ground, documenting the cross boundary issues to be addressed, and progress in dealing with them. Further details would follow in planning practice guidance.
- 5.7 **Viability** - Reference to 'competitive returns to a willing land owner and willing developer' has been removed. New para. 58 clarifies that when development proposals accord 'with all the relevant policies in an up-to-date development plan' there will be no need to submit a viability assessment. Furthermore, there is proposed to be a (previously consulted on) fundamental shift towards focusing viability assessments at the plan-making stage rather than the decision-making stage, but with the local plan setting out where further (publically available) viability assessments might be required at planning application stage (para 34 and 'Supporting housing delivery through developer contributions').

- 5.8 **CIL and Section 106** - The objectives of the proposed reform are to provide more clarity and certainty around how developer contributions work, improve their relationship with market signals and changes through time, improve transparency, accelerate development, and allow the introduction of a Strategic Infrastructure Tariff by combined authorities (as used in London). Proposals to simplify the process for reviewing CIL charging schedules, lifting section 106 pooling restrictions, allowing CIL charging schedules to be set based on existing use of land, and for setting developer contributions nationally, which would not be negotiated, are among the proposed measures. A separate consultation on supporting housing delivery through developer contributions has been launched alongside the NPPF consultation to deal with these proposed changes.
- 5.9 **Town Centres** - It is proposed that policies should look at least ten years ahead in allocating sites to meet the need for town centre uses but not necessarily over the entire plan period, in view of the difficulties of longer term forecasting. The changes proposed to the sequential test for main town centre uses would allow out-of-centre sites to be considered only if town centre or edge-of-centre locations are not available, or not expected to become available 'within a reasonable period' (para 87), acknowledging that a suitable town centre site might be in the development pipeline. The requirement for office development (above a certain floorspace threshold) outside of town centres to undertake and submit an impact assessment is proposed to be removed.
- 5.10 **Other matters** - Consultation on the revised draft NPPF runs until 10 May. The government's intention is to produce a final version "before the summer", according to the consultation document. The Government intends to consult on further planning reforms, particularly around new permitted development rights for upwards extensions, as well as around more effective ways of bringing agricultural land forward for housing. The transition period for plan-making would be 6-months long following publication. But there are no proposed transitional arrangements for either the amendments to the soundness test, or for the introduction of statements of common ground. The Government considers that the Housing White Paper, and other consultations, have provided enough time for local authorities to recognise the direction of travel and prepare for these potential future changes to the revised NPPF.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:- <http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>

7. Strategic Plan References

- 7.1 The National Planning Policy Framework is relevant to all four of the Council Strategic Plan 2018 – 2021 priorities which include Growth, Responsibility, Opportunity and Well-being.

8. Consultation

- 8.1 Consultation on the proposed changes to the National Planning Policy Framework is being carried out at national level in line with national regulations. It will run until 10th May 2018.

9. Publicity Considerations

- 9.1 Publicity may result on the views expressed by the Council on proposed changes to the national planning system.

10. Financial implications

10.1 There are no direct financial implications for the Council.

11. Community Safety Implications

11.1 There are no direct community safety implications for the Council.

12. Health and Safety Implications

12.1 There are no direct health and safety implications for the Council.

13. Risk Management Implications

13.1 There are no risk management implications for the Council.

Appendices

Appendix 1 -MHCLG report on National Planning Policy Framework consultation proposals