

Publication of new National Planning Policy Framework

Summary: This report summarises the provisions of the new National Planning Policy Framework and considers the implications for Plan Making and Development Management.

Recommendations: **That Members note.**

Cabinet Member(s)	Ward(s) affected
Cllr J Toye portfolio holder for Planning	All Wards
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1. Introduction

1.1 A new version of England's national planning policy document has been published by the MHCLG following a consultation on proposed revisions published in January. This report considers the main changes and the implications for the new Local Plan and the way decisions are made on planning applications.

2. The new NPPF 2021

2.1 Strengthened requirements on design quality and the use of trees in new developments, as well as revised policies on plan-making, removing statues and opting out of permitted development rights are among the alterations. All of the changes, apart from some minor tweaks, confirm proposed changes published in the January consultation.

2.2 Key changes are:

Measures to improve design quality, including a new requirement for councils to produce local design codes or guides.

Among the key changes to the NPPF are updated policies aiming to improve the design of new developments, in response to the findings of the government's Building Better, Building Beautiful Commission.

These include:

- changes to the overarching social objective of the planning system (paragraph 8b) to include the fostering of “well-designed, beautiful and safe places”. The old version had merely required “a well-designed and safe built environment”.
- introducing a new test that development should be well-designed (paragraph 133). This says that “development that is not well designed should be refused,

especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.

- It goes on to say that "significant weight" should be given to "development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes". Significant weight should also be given to "outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area", the new paragraph 133 says.
- The new paragraph 128 states that in order to "provide maximum clarity about design expectations at an early stage", all local planning authorities "should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences".

Comments

High quality design has always been a feature of the NPPF. However, the enhanced emphasis on the issue and the specific requirement to apply 'significant weight' to local design policies is welcomed. The continued reference to 'taking into account' local Design Guides and Codes could have been strengthened, for example, the new Local Plan will require proposals to 'comply with or justify a departure from' locally produced Guides. Time will tell how forcefully this guidance will be followed and what is meant by 'beautiful'.

North Norfolk has an existing Design Guide which is being reviewed and will be producing Design Codes for the urban extension at North Walsham. The new Local Plan includes a specific Design Policy which reflects this latest guidance.

An emphasis on using trees in new developments

The updated NPPF introduces a new paragraph 131 stating that “planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible". It goes on to say that applicants and local planning authorities "should work with local highways officers and tree officers to ensure that the right trees are planted in the right places”.

Comment

Again, the introduction of requirements for tree line streets and trees more generally within development is generally welcomed although the practical implications of such measures will require careful considerations. For example, there are likely to be many locations where street scale tree planting is unlikely to be practical or indeed may not be desirable.

The new Local Plan includes policies to provide and protect trees within development proposal and for applicants to demonstrate net biodiversity gains as part of their proposals.

Adjusting the presumption in favour of sustainable development for plan-makers.

The NPPF's presumption in favour of sustainable development for plan-makers (paragraph 11a) says that "all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects".

Comment

This provides helpful clarity in the way that the 'presumption' is intended to be applied linking the previous three aspects of sustainability (environment, social and economic) to climate change.

Again, this emphasis on Climate Change is already reflected in the emerging Local Plan policies.

New limits on the use of Article 4 Directions to restrict PD rights

The new paragraph 53 states that such directions, which remove PD rights in specific areas, where they relate to residential conversions, should only be used where it is "essential to avoid wholly unacceptable adverse impacts", for example the "loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability". In "all cases", article 4 directions should be "based on robust evidence, and apply to the smallest geographical area possible".

Comments

In recent years, government has legislated to introduce a wide range of new permitted development allowances meaning that planning permission is no longer required for some types of development. In particular, the change of use of existing buildings to residential uses will in many defined cases no longer require permission.

To counter the real, and perceived, adverse impacts of such changes, such as the loss of office floor space to residential uses, some Authorities have served Article 4 Directions covering very wide geographical areas. These have the effect of locally removing permitted development rights and reinstating the need for planning permission and are seen in some circles as circumventing the introduction of new permitted development rights.

This provision makes clear governments position that Article 4s should only be used in 'essential' circumstances where evidence of adverse impacts are demonstrated.

Councils should 'retain and explain' statues rather than remove them

A completely new paragraph 198 states: "In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal."

Encouraging faster delivery of further education colleges, hospitals and prisons

A new paragraph 96, which was not included in the January draft version, states: "To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted."

The MHCLG said in a statement that the updated NPPF "will place greater emphasis on beauty, place-making, the environment, sustainable development and underlines the importance of local design codes".

The United Nations climate change goals have been added.

Paragraph 7 in the section on "Achieving sustainable development" states that "the purpose of the planning system is to contribute to the achievement of sustainable development". It now adds: "At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection."

Aspects of policy concerning planning and flood risk are clarified

The section on "planning and flood risk" now spells out that plans should manage any residual flood risk by using opportunities provided by new development and "improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)".

Tightened rules governing when isolated homes in the countryside can be acceptable

In paragraph 80 in the rural housing section, it sets out the circumstances in which isolated homes in the countryside can be acceptable. Previously, it said such homes would be acceptable if the design was "truly outstanding or innovative" - now the word "innovative" has been removed.

Comment

This provision removes an area of contention/interpretation from the NPPF which had allowed for dwellings in remote locations provided they were either truly outstanding or innovative raising questions about where the 'bar' was set in order to secure permission. The new single test of truly outstanding is an attempt to simplify matters but the debate is likely to continue in relation to what truly outstanding actually means.

It spells out that ten per cent of all major housing schemes should comprise affordable home ownership properties

The new NPPF amends paragraph 65. It adds the words "total number of" so that it now says: "Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least ten per cent of the total number of homes to be available for affordable home ownership". This, the MHCLG said in January, is "to address confusion as to whether the ten per cent requirement applies to all units or the affordable housing contribution".

It introduces a new transport test for new settlements and urban extensions

The revisions introducing at paragraph 73 a new requirement for new settlements and urban extensions that they should now include "a genuine choice of transport modes".

Policies on improving biodiversity have been strengthened.

In chapter 15 (Conserving and enhancing the natural environment), paragraph 180d (previously 174d) now says that "opportunities to improve biodiversity" should be "integrated" into a scheme's design. Previously, it used the term "encouraged".

Comment

The Local Plan includes a requirement to demonstrate at least a 10% net biodiversity gain in all developments.

It clarifies that neighbourhood plans can allocate large sites

The new framework amends paragraph 70 to, in the words of MHCLG when the draft version was published in January, "remove any suggestion that neighbourhood plans can only allocate small or medium-sized sites". The final revised version, in line with the draft, says that "neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites". The old version said that such "should also consider to the opportunities for allocating small and medium-sized sites". The consultation response says the government "is satisfied that the policy clearly sets out that small, medium and large sites can be allocated in this way, but that small and medium sites should be given particular consideration".

3. Implications for Local Plan

- 3.1 All of these provisions have been subject to previous consultation and have been heavily trailed in the planning media. The new Local Plan includes all of the requirements and is not expected to require any further substantive change in order to meet the soundness test that Local Plans should comply with national policy. Officers have updated the supporting text of the Plan to ensure it references the latest NPPF as appropriate.

4 Recommendations

That Members note.

5 Legal Implications and Risks

- 5.1 The new Local Plan will need to comply with the NPPF in order to be found sound. The Plan has been reviewed to ensure it can meet this test.

6 Financial Implications and Risks

- 6.1 Failure to undertake plan preparation in accordance with the regulations and NPPF is likely to render the plan 'unsound' at examination and result in the need to return to earlier stages. Substantial additional costs would be incurred.