

<b>Local Plan Panel Meeting</b>	
<b>Meeting Date</b>	29 October 2018
<b>Report Title</b>	Revised NPPF and implications for the Swale adopted local plan and the emerging local plan review
<b>Cabinet Member</b>	Cllr Gerry Lewin, Cabinet Member for Planning
<b>SMT Lead</b>	Emma Wiggins
<b>Head of Service</b>	James Freeman
<b>Lead Officer</b>	Gill Harris
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Recommendations</b>	Members are invited to note the content of the report and the implications of the revised National Planning Policy Framework and Practice Guidance for the emerging local plan review; and adopted Local Plan policy.

## **1 Purpose of Report and Executive Summary**

- 1.1 The Ministry for Housing, Communities and Local Government (MHCLG) published the revised National Planning Policy Framework (NPPF) on 24 July 2018 following consultation on the draft in March 2018. The revised NPPF became a material consideration for decision making from the date of publication but only applies to local plans submitted for examination after 24 January 2019. Therefore, the local plan review for Swale Borough will be assessed against the revised NPPF.
- 1.2 This report provides a brief overview of the key points in the new NPPF. The appendices provide more detail in terms of the content of the NPPF; how well the adopted Bearing Fruits Local Plan complies; and what may need to be reviewed and addressed in the emerging local plan review.

## **2. Background**

- 2.1 A copy of the revised NPPF has also been made available in the Members room. Appendix I of this report provides a summary of the main sections of the new NPPF of note to Swale for the emerging local plan review. Key points are highlighted in this report below to provide further information.

- 2.2 Appendix II provides a high level audit of the Bearing Fruits adopted local plan policies, within the context of the revised NPPF and identifies what may need to be reconsidered in the emerging local plan.

### **Overview**

- 2.3 The National Planning Policy Framework (NPPF) was specifically revised to incorporate the proposals set out in the 'Housing White Paper: Fixing Our Broken Housing Market' to facilitate delivery of the government's ambition to build 300,000 new homes a year by the middle of the next decade. The alterations to the NPPF to significantly boost housing delivery are those which will impact most on Swale both in terms of local plan review and in decision making.
- 2.4 The final NPPF is not considerably different to the consultation draft but reasonably so from the 2012 version, particularly in terms of structure. The revised NPPF is based on subject related chapters but is still to be read as a whole. There is an emphasis on the need for up-to-date local plans, joint working and ensuring that planning permissions are brought forward to deliver new homes.
- 2.5 The core planning principles in the opening paragraphs to the 2012 NPPF have been deleted although their content is largely reassigned to the relevant chapters, achieving sustainable development remaining at the heart and centre of the framework.
- 2.6 The revised NPPF retains the presumption in favour of sustainable development in paragraph 11 although some changes have been made to the wording. In summary:
- For plan-making the amended working includes the requirement to provide for objectively assessed needs for housing, as well as any needs that cannot be met within neighbouring areas.
  - For decision-taking, approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date granting permission (also referred to as the tilted balance).

### **The 'Tilted' Balance**

- 2.7 The titled balance means that in the absence of relevant up-to-date development plan policies, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits of the proposal are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise. Potentially this remains one of the most important areas for the Council where planning permission is sought on unallocated sites or for which the development plan supports a refusal of planning permission. In this context, a new footnote to paragraph 11 clarifies the meaning of 'out-of-date' in relation to housing. It includes situations where the Council

cannot demonstrate a five year supply of deliverable housing sites (with an appropriate buffer) or where the Housing Delivery Test indicated that the delivery of housing was less than 85% of the housing requirement over the past three years.

### **Determining Housing Targets**

- 2.8 The determination of Objectively Assessed Need and hence determination of the housing target for the Swale local plan review by a standard methodology is confirmed. This is based on:
- the ONS generated household projections;
  - application of an affordability adjustment;
  - the application of a 40% cap on any increase in the previously adopted target provided that target is being reviewed within 5 years of adoption.
- 2.9 Practice Guidance has been issued on this, but may be subject to further review as the recently issued 2016 – based household projections are not compliant with the government objective to deliver 300,000 dwellings per annum. Swale’s household projection has not followed the downward trend shown in many other areas and therefore the anticipated housing target is not likely to change significantly from the 1054 dpa estimated in the ‘Looking Ahead’ consultation document.

### **Housing Delivery Test**

- 2.10 The introduction of the Housing Delivery Test commences from November 2018 and will apply to the performance in delivering the ‘Bearing Fruits’ housing target. Members have already received a briefing on how this will operate and the implications for Swale’s Five Year Housing Land Supply. The figures will be issued by MHCLG for all districts in early November and will then be used to complete the Housing Land Supply statement. Depending on whether or not a five year supply can be demonstrated, the ‘tilted balance’ in favour of sustainable development proposals outlined at para 2.7 above may apply.

### **Statements of Common Ground (SoCG)**

- 2.11 The introduction of the SoCG seeks to put the Duty to Cooperate which was present in the previous NPPF onto a more formal footing. The new Practice Guidance on Local Plans goes into some detail on the form and function of these. The expectation is that any cross boundary topics between local planning authorities; or topics such as infrastructure which may be dealt with by non planning authorities can be established and agreement on these topics kept up to date through published SoCG.

### **National Planning Practice Guidance (PPG)**

- 2.12 Also of note are the most recent changes to the Planning Practice Guidance to support the revised NPPF.

- 2.13 The PPG on viability assessments and assessing housing and economic development needs were updated when the NPPF was published. The revised PPG on viability supports paragraph 34 of the NPPF that sets out the expectation that local plans set out the contributions expected from development but that such policies should not undermine the delivery of the Plan. The main difference is the increased emphasis on testing viability of sites at the plan-making stage. For decision-taking, paragraph 57 places the burden on applicants to “demonstrate whether particular circumstances justify the need for viability assessment at the application stage”. The decision maker must then decide the weight to be given to the viability assessment ‘having regard to all the circumstances in the case’.

### **Implications of the new NPPG for the Adopted Bearing Fruits Local Plan**

- 2.14 The main thrust of the revised NPPF is focused on increasing housing delivery. There are major changes to how the overall housing targets will be derived, which is a matter for local plan review. The Housing Delivery Test (HDT) may have the most immediate impact on the performance of the adopted local plan policies, in the imperative to deliver more housing. The HDT will be based on the Bearing Fruits target from November 2018.
- 2.15 Going forwards, accommodating new development targets will entail new land allocations and potentially revisions to the development strategy, which will be dependent on the updated evidence base.
- 2.16 The more generic development management and strategic policies within Bearing Fruits still have a high degree of compliance with the revised NPPF. As such, no major and immediate changes in policy context are expected for decision making through Planning Committee. Subject to any updated evidence on the relevance or spatial extent of such policies within Swale, these policies may not need substantial change via the local plan review. A detailed assessment will however, be carried out, so that the Local Plan can be maintained as the most up to date and comprehensive context for determining development proposals.

### **Next Steps**

- 2.17 Further Practice Guidance is expected autumn 2018 on how Government will adapt the standard methodology for assessing housing targets in the wake of the ONS 2016 based Household Projections.
- 2.18 The revised NPPF will have fully bedded in by the time the Council submits the emerging local plan for examination and new or revised policy will need to be drafted in accordance with it. Officers will continue to keep an eye on reported best practice as well as new or revised guidance in the NPPG.

## **3. Proposals**

- 3.1 Members are invited to note the content of the report and the implications of the revised National Planning Policy Framework and Practice Guidance for the emerging local plan review; and adopted Local Plan policy.

## 4. Alternative Options

- 4.1 The revised NPPF is now adopted as national planning policy and supported by revised PG. Para 2 of the NPPF (2018) states:

*‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.’*

- 4.2 The NPPF further states at para 35 (d), that one of the ‘tests of soundness which will be applied by an Inspector is that the plan must be consistent with national policy. Consequently, the emerging Swale local plan review does need to be in accordance with the revised NPPF and there are no realistic alternatives to recommend to Members.

## 5. Consultation Undertaken or Proposed

- 5.1 The revised NPPF has been subject to consultation by the MHCLG. It is now adopted national planning policy and is not open to further consultation through any local plan consultation process.

## 6. Implications

Issue	Implications
Corporate Plan	Supports the Council’s corporate priorities for a borough and a community to be proud of.
Financial, Resource and Property	None identified at this stage.
Legal, Statutory and Procurement	The Local Plan is prepared under the Planning and Compulsory Purchase Act 2004 (as amended); and in accordance with the Town and Country Planning (Local Planning)(England) Regulations 2012 (Statutory Instrument 2012 No. 767)
Crime and Disorder	None identified at this stage.
Environment and Sustainability	The NFFP is the government’s framework and has been subject to its own sustainability appraisal.
Health and Wellbeing	None identified at this stage
Risk Management and Health and	None identified at this stage.

Safety	
Equality and Diversity	None identified at this stage, although the Local Plan Review itself will be subject to equality impact assessments at key stages as advised by the policy team.
Privacy and Data Protection	None identified at this stage

## 7. Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: National Planning Policy Framework (July 2018): Key Points and Implications for Swale Local Plans
- Appendix II: Bearing Fruits 2031: The Swale Borough Local Plan 2017 – NPPF (2018) Compliance

## 8 Background Papers

8.1 National Planning Policy Framework (2018) can be found online with associated Practice Guidance at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>