

Consultation on Draft National Planning Policy Framework

Report of the/contact:

Interim Head of Planning, Viv Evans

Urgent Decision?(yes/no)

No

If yes, reason urgent decision required:

Annexes/Appendices (attached):

Annexe 1: Draft response to NPPF draft revisions

Annexe 2: Commentary on draft National Planning Policy Framework

Other available papers (not attached):

[Draft revised National Planning Policy Framework – draft text for consultation](#)

[Draft revised National Planning Policy Framework – open consultation](#)

Supporting housing delivery through developer contributions

Planning for the Right Homes in the Right Places: Report to L&PPC 26 October 2017

The Housing White Paper 2017: Report to L&PCC 20 April 2017

Report summary

The government has published its draft revisions to the National Planning Policy Framework (NPPF) for consultation. The deadline for responses is 5 May 2018. It is proposed that the final version of the revised NPPF will be published in the Summer 2018.

Alongside the NPPF publication, the government has published, an additional consultation proposal titled ‘supporting housing delivery through developer contributions’ to explore the potential for further Community Infrastructure Levy (CIL) reforms.

Recommendation (s)

The Committee considers the draft comments to the government’s proposals and that this, subject to any changes, forms the basis of the Council’s response to the consultation.

Licensing and Planning Policy Committee

8 May 2018

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 The proposals contained within the consultation paper have significant implications for the Council's key priorities, particularly in terms of meeting its housing needs, how it delivers affordable housing, how it works with its neighbours on strategic matters, providing essential community infrastructure to support growth. It especially has implications in terms of the likely impact of higher level of development on the Borough's visual character and appearance. The proposals will also have a significant impact on many of the Council's other key priorities including economic vitality, quality of life, visual appearance and sustainability.
- 1.2 The Epsom & Ewell Borough Local Plan assists in the spatial delivery of the objectives of the Sustainable Community Strategy and the Council's Key Priorities. The effectiveness of these policies, and by extension the effective delivery of the Local Plan, will be compromised by the proposed changes.

2 Background

- 2.1 The government has published its draft revisions of national planning policy (the NPPF), which build upon other recent consultations relating to national planning policy. Members will recall that the Borough Council made strong representations to these previous consultations raising particular concerns in relation to the proposed approach towards delivering growth. The draft revisions build on the previous proposals and, as such, many of the Council's earlier concerns remain.
- 2.2 In developing the draft revisions the Government has also sought to incorporate changes to planning policy implemented through Written Ministerial Statements since the publication of the NPPF in 2012, the effect of case law on the interpretation of planning policy since 2012 and improvements to the text to increase coherence and reduce duplication.

3 Proposals

- 3.1 The key thrust of the draft revisions is for planning policy to underpin the delivery of the Government's ambition to improve the supply and delivery of new homes. Critically the changes introduced in the draft NPPF seek to ensure that more land is brought forward for development, the use of the land is optimised (primarily for new homes) and that permissions are turned into homes as quickly as possible.
- 3.2 The draft NPPF incorporates policy proposals on which the government has previously consulted and additional new proposals on which this document is consulting. The Government has been clear that the presumption in favour of sustainable development remains at the heart of the framework.

Licensing and Planning Policy Committee

8 May 2018

- 3.3 Many of the proposed changes build upon the Housing White Paper (February 2017), the Planning for the Right Homes in the Right Places consultation (September 2017) and the Budget 2017. The proposals include:
- a) A new document structure of 17 topic based chapters reflecting the government's priorities – with a focus upon resolving the housing crisis;
 - b) Clarification on the presumption in favour of Sustainable Development and amendments to the tests of soundness for local plans;
 - c) A new standard methodology for the calculation of local housing need;
 - d) New definition of affordable housing and a focus on affordable home ownership products;
 - e) Promotion of the role of small sites and their exclusion from affordable housing contributions;
 - f) Introduction of the Housing Delivery Test;
 - g) Greater emphasis on effective and optimal use of land, particularly brownfield land. Promotion of minimum density policies, upward extensions, conversions and reallocation of sites to deliver housing;
 - h) Requirement to set out a clear local design vision and expectations;
 - i) Continued strong protection for the Green Belt and clarification of the exceptional circumstances in which release may occur;
 - j) Strengthened protection for ancient woodland and other irreplaceable habitats; and
 - k) New plan-led approach to viability, seeking standardisation and transparency.
- 3.4 Some of these proposals in relation to housing land supply and delivery are lengthy and complex. A concise summary and commentary of the proposals is included under **Annexe 2**.
- 3.5 A draft response to the consultation has been prepared and is included under **Annexe 1**. The draft response seeks to maintain the Council's robust position, particularly when responding to those proposed changes that have the potential to have a significant impact on the Borough. The Government has explicitly stated that it does not want respondents to repeat or reiterate comments that they have previously made. The draft response is mindful of this statement.

Licensing and Planning Policy Committee

8 May 2018

- 3.6 Whilst the proposed changes to the NPPF remain the subject of public consultation (until May 2018), the Government has stated that it will be publishing the final version of the new NPPF during summer 2018. The Borough Council must take this into account when considering the likely impacts that the new NPPF will have upon the emerging Local Plan. Local Plan Inspectors are already making reference to the draft NPPF.

4 Financial and Manpower Implications

- 4.1 The new requirement for local plan authorities to review plan policies every five years will have a significant impact upon resources. The Planning Policy Team will need to be appropriately resourced in order to respond. It now appears likely that at the very least the current staff complement will need to be maintained and possibly reinforced.
- 4.2 The possibility of a new cycle for producing local plans (every five years) will require regular examinations in public; with all of the financial implications that process brings. It is unclear from the draft NPPF as to whether such a costly outcome is inevitable. The Borough Council will need to carefully monitor the proposed changes and how their implementation impacts upon the plan making process – responding accordingly as our budget allows.
- 4.3 The introduction of the Housing Delivery Test and the potential consequences for ‘substandard’ delivery will require the Borough Council to take a greater and more involved role in monitoring housing completions and build out rates beyond the current local plan annual monitoring regime. Depending upon performance it is possible that our local plans could very quickly become out-of-date and require an early reviews. This may require that Officers are more flexible in resourcing this critical area of work.
- 4.4 **Chief Finance Officer’s comments:** *Additional funding from the 5 percent admin fee element of Community Infrastructure Levy receipts was agreed to fund up to £80,000 in total over two years to support the delivery of the Local Plan. Any request for the use of any additional funding will need to be agreed by the Strategy and Resources Committee.*

5 Legal Implications (including implications for matters relating to equality)

- 5.1 No specific implications.
- 5.2 **Monitoring Officer’s comments:** *No comments arising from this report*

6 Sustainability Policy and Community Safety Implications

- 6.1 The scale of the future housing need being imposed by the national standard methodology threatens to undermine the Borough’s ability to plan for and deliver sustainable development. Equally, the continued quantitative approach focused on home ownership threatens the delivery of the right homes in the right places, particularly in terms of affordable housing, to meet the qualitative housing needs of the community.

Licensing and Planning Policy Committee

8 May 2018

6.2 Notwithstanding this, the requirement for all of the Local Plan policies to have been subject to sustainability appraisal remains. These sustainability appraisal will themselves be subject to public consultation.

6.3 There are no significant Community Safety implications.

7 Partnerships

7.1 The proposed requirement for Statements of Common Ground on strategic matters including responding to unmet development needs, between *neighbouring* planning authorities has implications for partnership working.

7.2 To date, the Borough Council has already begun relationships with its Housing Market Area partners (Elmbridge, Mole Valley and the Royal Borough of Kingston), not all are geographic neighbours. The robustness of this approach may be undermined by the government's latest proposals. In that respect, the Borough Council may need to re-examine how it considers and responds to strategic cross boundary issues.

7.3 In responding to the Housing Delivery Test (HDT) and the increased emphasis on delivery of new homes, the Borough Council will need to undertake more proactive engagement with the housebuilding industry. The Borough Council cannot by itself deliver new housing. The development industry has a responsibility to shoulder much of the burden being introduced by the changes to NPPF and as consequence their role should not be underplayed.

8 Risk Assessment

8.1 The proposed revisions to the NPPF are the subject of consultation and the deadline for responses is 5 May 2018. However, the government intends to publish the final version of the revised NPPF during Summer 2018. The short period between the close of the consultation and intended publication of the final version is a likely indicator that they do not anticipate making many changes, if any. On that basis the Council should expect the final version of the new NPPF to be very similar to the current draft.

8.2 The transitional arrangements state that for the purpose of examining plans, those plans submitted on or before six months after the date of final frameworks publication will be considered against the policies in the previous framework. The current Local Plan Programme envisages that submission will be within these transitional arrangements. This suggests that the Council could seek to submit a housing target based upon the OAHN figure contained within the Strategic Housing Market Assessment. However, the Government's remit is clear and from relevant local plan examinations, there appears to be one direction of travel concerning responding to OAHN. On that basis, even if the Council were to submit within the transitional period it is likely that local plan would very quickly become out of date.

Licensing and Planning Policy Committee

8 May 2018

- 8.3 The draft revisions place emphasis on producing local plans that deliver and the Borough Council will be accountable for delivering the resultant housing target. It is highly likely that the resultant target will be significantly greater than what has ever been achieved before within the Borough. The consequence of substantial under delivery against an authority's housing requirement as determined through the HDT could result in the plan being considered out of date. This result in planning applications being determined using the 'presumption in favour of sustainable development'. There is a risk that could happen during the first few years of adoption.
- 8.4 The current evidence demonstrates that it will be extremely challenging for the Borough Council to meet its OAHN figure. If the Council cannot meet all need then it will need to demonstrate to an Inspector how it has tried to do the best to meet as much need as sustainability possible. This will require the Council to robustly demonstrate that it is optimising our land supply and have assessed all reasonable, available, deliverable and developable housing options.

9 Conclusion and Recommendations

- 9.1 The Committee is asked to note the proposed revisions to the National Planning Policy Framework.
- 9.2 The Committee is asked to consider the draft responses to the consultation paper and subject to any amendments and additions agree that these form the basis of the Borough Council's response.

Ward(s) affected: (All Wards);