



NPPF 2018: how does the published Framework differ from the draft?

The government published the revised National Planning Policy Framework on 24 July 2018. Here we highlight key changes made since the draft was consulted upon in the spring.

31 July 2018

The government claims it has made a number of important changes to the wording of the National Planning Policy Framework (NPPF) in response to the consultation in spring this year. The reforms are intended to 'see us using land suitable for housing much more effectively, at the same time as protecting our valuable environmental assets for future generations.' The consultation generated 29,224 responses, a number that was dominated by four campaigns (the woodland trust, aviation, local wildlife sites and national parks). Highlights of the draft revised NPPF are outlined in our [March](#) article. This article concentrates on the main changes between the draft and the final revised NPPF (NPPF 2018). We have also published an article looking at the changes to the NPPF on viability and the associated planning practice guidance published on the same day.

Which NPPF applies to me?

The NPPF 2018 policies are material considerations in determining planning applications. Plans may need to be revised to take into account the changes since the 2012 NPPF. For plan-making in progress, the 2012 NPPF will apply for the purposes of examining plans which are submitted on or before 24 January 2019.

(The Housing Delivery Test (see below) will apply from the day after the Housing Delivery Test results are published in November 2018 and there are transitional provisions for this.)

Interpretation

As with the original NPPF 2012, we expect the interpretation of the NPPF 2018 to come under scrutiny by the courts. To help remove any doubt, the NPPF 2018 explicitly states that it '*should be read as a whole (including footnotes and annexes)*'.

There have been several changes to the glossary since the consultation. One of note is the concept of 'strategic plan' which was in the draft but has been superseded by the concept of 'strategic policies' defined as '*policies and site allocations which address strategic priorities in line*'

with requirements of section 19(1B-E) of the Planning and Compulsory Purchase Act 2004'. These are contrasted with 'non-strategic policies', being those contained in a neighbourhood plan or those policies in a local plan that are not strategic. Through these definitions, and together with changes in the text about plan-making, the government has sought to clear up confusion about whether planning at the local level was optional. It considers that 'everywhere should be covered by up-to-date plans that address the issues that need to be covered, and has amended the final Framework to make this clear.'

Housing and related policies

The final NPPF 2018 Housing Delivery Test Measurement Rule Book (which sits alongside the NPPF) clarifies that the number of homes required is that *'set out in the relevant strategic policies'*, rather than in a plan-making authority area described in the draft. Substantial additional detail has been included about how both the 'net homes delivered' figure is calculated and the 'number of homes required' figure is calculated.

Changes from the draft revised NPPF, which appear in the NPPF 2018 include the following:

- Planning performance agreements are considered likely to be needed for applications that are particularly large or complex to determine.
- Planning obligations must (rather than should) only be sought where they meet all of the relevant tests.
- Policy to encourage the use of small sites has been altered to now include medium sized sites (i.e. up to one hectare) and for development plans to identify land to accommodate at least 10% of housing requirements on such sites.
- Support for new settlements is subject to an expanded list of provisos that *'they are well located and designed, and supported by the necessary infrastructure and facilities'*, will support a sustainable community, set expectations for quality of the development (such as by following Garden City principles) and ensure a variety of homes to meet different groups in the community. Reference to Garden City principles had been omitted from the draft. The recently introduced locally-led development corporation is cited as being a way of supporting rapid implementation of large scale sites.
- Local planning authorities are encouraged to identify opportunities to bring forward land to meet their development needs and consider the use of the compulsory purchase powers.
- High quality buildings and places are fundamental to the development process and that quality of the approved development is not to be subsequently diminished before completion.
- The 'agent of change' principle requires mitigation where the operation of an existing business could have a *'significant adverse effect'* on, rather than being a *'statutory nuisance'* in light of, new development.

Industry and infrastructure

The final NPPF 2018 includes the following:

- Flood and water management infrastructure in its indicative list of infrastructure types which development contributions should fund.
- Recognition of the importance of adequate overnight lorry parking facilities.

- Wording that reflects the need for sites to adapt and change over time in the area of airfields and retail and leisure.
- The status of a sufficient supply of minerals as 'essential' as opposed to just 'important'.

Environment and renewables

The government claims the wording of the final NPPF 2018 further supports the 25 Year Environment Plan. In its response to the consultation, the government points out the NPPF 2018 includes clear references to where the planning system can support net gains for biodiversity and states it will soon be launching a consultation on the wider implementation of the net gains principle.

The changes from the draft revised NPPF also include the following:

- The exception of repowering of existing wind turbines from the constraints on new onshore wind development.
- The use of natural flood management techniques to reduce the causes and impacts of flooding.
- Policy that local planning authorities should maintain or have access to a historic environment record to help assess the significance of heritage assets and predict the likelihood of currently unidentified heritage assets.

Developer contributions

The government has not yet published its response to the consultation '*Supporting housing delivery through developer contributions*' which ran alongside the consultation on the draft revised NPPF. (Detail outlined in our March article).

Yet more to do

The government has indicated that numerous areas of planning practice guidance will be updated in due course in order to give further insight and clarity into new measures within the NPPF 2018. In the context of promoting housing delivery, we are expecting the final report and recommendations of the Letwin Build Out review ahead of the Autumn budget. Also, the recommendations from the review of planning appeal inquiry process are due by the end of the year. In the meantime the NPPF 2018 will be reviewed, digested, interpreted and applied by local authorities, developers and landowners across the country. We look forward to seeing what it can deliver.

How Burges Salmon can help

For more information on the National Planning Policy Framework or planning or compulsory purchase more generally, please contact Stephen Humphreys or Gary Soloman.

Key contact