

NPPF 2018

Briefing note July 2018

Revised NPPF misses opportunities to improve sustainable development patterns, but has provided long overdue clarification elsewhere.

Around 200 members contributed to the RTPI's response to the draft NPPF consultation through roundtable discussions and written contributions, overseen by the England Policy Panel and RTPI policy team. An initial analysis of the final document and Government response shows a number of areas where we think the RTPI have had a direct influence shaping national planning policy both in nominal and technical areas alike, proving how useful having a professional voice is to shaping the national planning agenda.

Where the revisions have been most useful are in clarifying areas which have been caused delay and ambiguity for plan making and implementation through development management. However, the document is far from a radical overhaul that some may have wanted, but this was never Government's intention.

Below is our commentary on some key implications of the new framework.

Missed Opportunities to link transport and housing

We have consistently called for [better joined up housing and transport policies](#). In our response to the revised NPPF consultation, we made a number of suggestions about how the chapter on *delivering sustainable development patterns* could be improved. We were keen to highlight the need to expand on what was meant by "opportunities created by strategic transport investment" in paragraph 103. Namely that choices around transport infrastructure investment are not made simply in isolation, but take account of opportunities to support housing and economic growth. We would have preferred the document to emphasise how transport should support [sustainable development patterns](#) as highlighted by our research of this title.

More needs to be done to promote sustainable development patterns

We feel there was a missed opportunity to align the framework with the United Nations Sustainable Development Goals, particularly as England and the rest of the UK looks for increasing international common ground. Whilst UN resolution 42/187 is not out of date, the international community have come a long way since 1987 when it was written.

However, there were a number of welcome amendments and insertions in the new document. For example, the emphasis on non-motorised travel in the chapter on health and wellbeing. On *delivering sustainable transport*, we consider that paragraph 104 has missed opportunities to achieve this aim. In the same vein, many members will be disappointed that the para 106 (previously 107 of the draft) sets the test of compelling evidence to set maximum parking standards with emphasis on managing the local road network rather than promoting sustainable transport solutions. On efficient use of land, members raised concern over the impact policies would have on employment land. We, maintain that sites with high accessibility should benefit employment uses as much as residential ones.

It is good that the revised NPPF has emphasised identifying opportunities to facilitate land assembly, but mechanisms to make such opportunities more accessible for local authorities, e.g. reform of compulsory purchase powers, still need to be improved in parallel.

We stressed that minimum *national* density standards should be approached with caution (given legacy of PPS 3 standards) and that should be accompanied with good design standards. The wording of the policy implied a lesser standard of “acceptable” rather than “good” for living standards in housing on former employment sites, which we objected to and this has not been changed.

On the Green Belt, we strongly recommended that an additional social objective be included in the Green Belt policy whilst reasserting our view that reviews of Green Belt should be done strategically rather than piecemeal by local authorities. In its response the Government explicitly states that it does not consider further definitions are required.

A note on Climate Change

Planning has an essential role in tackling climate change. Members were initially very concerned that wording related to climate change commitments had been watered down, particularly owing to the deletion of a footnote which reasserted the important role of planning in implementing the climate change Act 2008. We therefore count as a success, the re-introduction of this reference in the revised framework.

We had hoped that some paragraphs could be more explicit in requiring new development to be planned in locations that reduces greenhouse gas emissions and by maximising accessibility by sustainable mode of transport (150b). But overall the climate change chapter provides a solid grounding for planning to play its role in tackling climate change and we are pleased with many aspects, including the strengthening of wording on Sustainable Urban Drainage (although it could have gone further if it mandated proportionate SuDs solutions for smaller sites).

Design solutions

There is renewed emphasis on design and one important addition is the requirement for LPAs to ensure that design quality is not lost between permission being granted and completion, indicating a stronger monitoring role for enforcement teams.

It is, however, worth noting that the 2012 framework already gave considerable scope for good design to be achieved, so the impact the additional wording in the revised NPPF remains to be seen. Other interesting developments include signposting to specific standards (e.g. building for life) and use of design codes. The revised framework also gives a greater role to neighbourhood plans, and indication of the greater role Government sees neighbourhood planning groups playing.

Door ajar for Strategic Planning

There are changes in the NPPF that are designed to open the door to better cooperation across boundaries between local authorities, primarily, but not limited to meeting each others' unmet housing need. This includes the ability for joint plans to allocate sites. Our members' key concern was how exactly this will happen without better incentives.

The mechanism which Government have suggested to make this happen is through the adoption of a Statement of Common Ground, to be submitted and agreed with neighbours as part of the development plan. But, as with the current duty to cooperate it is not a duty to agree. We suggested in our consultation response that guidance is issued to at least outline a minimum requirement of what a Statement of Common Ground should cover. We hope forthcoming planning practice guidance will aid members in their negotiations in this regard.

More plan coverage?

One of the revised NPPF's core strengths, we think, is in its tackling of plan making process. The barriers to getting a local plan updated were vast and this was investigated in great detail by the RTPI's Local Plans Expert Group. Disproportional evidence requirements and excessive discussion over what constituted the most appropriate local plan strategy was causing delay. The subtle yet significant change of wording from requiring "an" rather "the most" appropriate strategy in order for a plan to be found sound should address this problem.

Another procedural requirement is for LPAs to review their plans every 5 years (reflecting regulations which came into force in April). Questions of effectiveness apart, it is an example of additional requirements on local plan teams, which will [require resourcing](#).

In response to the draft NPPF requirement that local plans focus on strategic priorities only, we raised serious concern at the apparent void that may be left if detailed policies were expected to be left to neighbourhood plans. Government have addressed this by amending the framework to clarify that LPAs are still expected to have an up to date local plan.

Welcome clarification on the presumption in favour of sustainable development

What will please many members is the clarification around when and how to apply the presumption of sustainable development. In particular, a new footnote (7) which clarifies what is meant by "policies for the supply of housing", the debate over which played out under *Suffolk Coastal vs Hopkins Homes* in the High Court. In case there was any doubt, we can now be certain that the policy includes situations where a council cannot demonstrate a five - year housing land supply or does not pass the new Housing Delivery Test (commented on further below).

Viability

The revised NPPF aims to shrink what some have come to call the "viability loophole", reportedly currently allowing developers to overpay for land and negotiate down developer contributions, most notably on affordable housing.

It addresses this by requiring, from the outset, development plans to set out in more detail contributions expected from development. Noticeably the published document has removed reference to expectations "in association with particular types of sites and development," indicating a broader approach is expected.

The Guidance is now clear that "the role for viability assessments is primarily at plan making stage". The resource implications of this are stark for local authorities but at least it does not require authorities to conduct a viability assessment for every site. Instead it recommends a typology approach, where samples of sites are used to gauge average values according to their various characteristics, e.g. brownfield, size, current and proposed use.

There are some key questions for which we hope answers would be forthcoming:

- Will the upfront method of viability assessment by grouping of sites ensure accurately set viability threshold expectations for individual sites?
- Will councils play it safe by setting low expectations to encourage delivery? Conversely, will overly ambitious councils set thresholds too high and disincentive development?
- Will thresholds be suitably flexible to take into account fluctuations in the land market?

While the framework places responsibility on site promoters to engage positively with land owners, promoters are not obligated to do so. We hope that the new viability-in-plan requirement does not jeopardise plan delivery. It would be a shame to see the work done to streamline the plan making process undone by protracted debates over viability.

More on viability (Guidance)

Government's recommended approach to viability for planning

We support the Government's recommended approach to viability. It sets out a definition of Gross Development Value (GDV), costs and benchmark land value (Existing Use Value) plus a premium for the landowners (EUV+). This is a change that the RTPI recommended in its consultation response.

It seems there will still be room for negotiation on what Existing Use Value is and what the premium paid to the land owner should be. This is to be expected but we welcome better clarity offered in the guidance. We anticipate that increased awareness of viability issues should improve processes and ultimately result in fairer outcomes for communities. We also particularly pleased to see the following paragraph included:

"Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the price paid for land (or the price expected to be paid through an option agreement)."

In developers' favour, expected returns of 15-20% of GDV is now embedded in planning practice guidance, with exceptions made depending on circumstances. Some may argue that these assumed returns are too high, and that a tapered approach would be better as the scale of the site increases. However, RTPI are satisfied with this expectation given no alternative has been put forward.

We supported the principle of making viability assessments publically available whilst acknowledging commercial sensitivity associated with it. We were pleased to see this carried forward.

Disrupting the housing market and testing councils

Small sites

Our members were instrumental in making one of the changes to national planning policy more implementable. The NPPF was amended to require authorities to set a proportion of their housing allocations for small sites. The original proposal was that this threshold should be 20% of sites of 0.5ha or less. After extensive discussion with members and considering the practicalities of this, we raised concern that there were simply not enough sites outside of London that were 0.5ha and that a 20% threshold would be so high it would have the unintended consequence of preventing suitable good sites from coming forward. Our methodology suggested a change in threshold to 1ha or less and that 10% would be a more realistic requirement. This recommendation was carried through and the NPPF changed accordingly.

Clarity over what is required of LPAs under new delivery test mechanisms

Notwithstanding our objection to the principle of the Housing Delivery Test for local authorities, we made a number of comments on of what is required of them. For example, requirements to carry out annual reviews of the 5-year housing land supply and how they are expected to disaggregate figures into different types of housing need. The same concern applied to neighbourhood plans, particularly what was to happen if a neighbourhood plan did

not request a housing figure from a local authority. Government have acknowledged these concerns and have written guidance on all these aspects.

Garden City Principles

After significant debate amongst members over whether garden city principles should be retained in the framework, RTPI did support their retention. The Government have acknowledged this and kept the principles in the framework.

OAN methodology

We raised significant concern over the spatial consequences of such a demand led approach to housing, but acknowledged that a simpler methodology was definitely needed to speed up the process of getting plans in place.

Although the Government have remained steadfast in their commitment to this methodology, the method may be adjusted in September when new household projections are released.

A note on economic development

We were generally concerned with how little was said about the role planning plays in shaping the economy. There was little mention of the industrial strategy or mention of specific large scale initiatives in which planning can play a vital role, such as the West Midlands engine and the Oxford-MK-Cambridge Corridor. It seemed disproportional that so much of the framework could be dedicated to some strategic priorities (such as Green belt) and so little to others.

Recognition of key economic sectors as an alternative use for unallocated land is very much welcome. We see this as a nudge towards, amongst others, the Technology Sector. In our consultation response we pointed to the success of areas like Tech City (Old Street, London) and have been keen to promote [the role of planning in facilitating](#) this crucial emerging sector.

Overall

The NPPF covers a wide spectrum. This analysis focuses on what we see as key areas for discussion and change, as well as reflects on where our members have tried to influence change for the better. We are convinced our members will make the most of opportunities afforded by the NPPF to create successful places for communities.

The framework is the starting point. Planners' skills, knowledge and professionalism will be key to realising its aspirations. We will continue to engage with Government in areas that members feel more needs to be done to improve the planning system.

For further context and background to our policy positions, please see our [consultation page](#), which contains our responses to Government consultations including the NPPF, Housing White Paper, Objectively Assessed Needs amongst others.