



NPPF Consultation paper

Key point	Why this is important	Our comment
<p>1. Presumption in Favour of Sustainable Development – Draft Para 11</p>	<p><u>Objectively Assessed Need</u></p> <p>There is an expectation for objectively assessed needs to be accommodated unless there are strong reasons not to, including any unmet needs from neighbouring areas.</p>	<p>The aim is to encourage joint working with neighbouring authorities to help meet target housing numbers rather than each LPA operating in isolation.</p>
	<p><u>Decision-making</u></p> <p>The wording has been amended so it now refers to circumstances where “there are no relevant development plan policies, or the policies most important to determining the application are out of date”; and to “refusing” rather than “restricting” development.</p>	<p>The presumption is triggered where a LPA cannot demonstrate a 5 year housing supply or delivery has been substantially below the housing requirement over the previous three years.</p> <p>Once the presumption is triggered, the LPA should grant applications unless the site is on a defined list of protected assets.</p> <p>Following the amount of litigation that has taken place in recent years these amendments should (in theory) provide greater clarity on the scope and interpretation of para 14 and para 49 of the current NPPF.</p>
<p>2. Calculating housing need – Draft para 61 and draft revised national planning guidance</p>	<p>A new standard method for the calculation of local housing need will be used to determine the minimum number of homes needed “unless there are exceptional circumstances that justify an</p>	<p>Notably the transitional provisions will allow plans to be examined in accordance with the previous framework for 6 months after the new framework is finalised.</p>

	alternative approach”.	
3. Viability – Draft para 58 and draft revised national planning guidance	<ul style="list-style-type: none"> - As a general rule viability assessments should not be necessary; - Where a scheme complies with relevant policies in the local plan no viability assessment should be required with the planning application; - It will be for the LPA to determine in which circumstances a viability assessment will be required; - Transparency – viability assessments should be made publically available; - A standardised approach to viability assessments is proposed. 	<p>This new approach to viability has been introduced by the Government to speed up delivery and overcome issues where developers agree to provide affordable housing at the planning application stage, but subsequently negotiate it back out once planning permission has been obtained.</p> <p>The Government’s recommended approach for viability assessments are set out in the draft revised national planning guidance (link below – item 2).</p>
4. Small Sites – Draft paras 69-70	A requirement for LPA’s to ensure that at least 20% of sites in their plans are half a hectare or less.	Greater use of small sites is encouraged, this is positive and confirms Government recognise that such sites can be built-out quickly and more easily.
5. Effective and intensive use of land and existing buildings – Draft paras 118 - 123	<ul style="list-style-type: none"> - The use of land and existing buildings is encouraged particularly: - brownfield land; - making use of space above shops; - re-allocation of land in situations where there is no reasonable prospect of an application coming forward for the allocated use: - making it easier to convert retail and employment land; - pursuing higher-density housing in accessible locations, - minimum density standards in certain circumstances. 	These are all welcomed suggestions; it will be interesting to see how the effective use of space above shops is utilised in reality given the suggestion that such additions cannot exceed current rooflines.
6. Commencement	LPA’s should consider	The draft guidance refers to a 2 year

<p>timescales – Draft para 78</p>	<p>imposing planning conditions requiring development to be brought forward within a shorter period than the current 3 years unless it would threaten viability or deliverability.</p>	<p>period; although the intention is to speed up delivery the reality is it is unlikely to be a workable or practical solution, especially when you consider the length of time it takes to discharge pre-commencement conditions!</p>
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Associated consultation paper: *Supporting Housing Delivery through Developer Contributions*

<p>1. Removal of s106 pooling restrictions in certain situations</p>	<p>This will apply in 3 circumstances:</p> <ol style="list-style-type: none"> 1. where LPA is already charging CIL; 2. where it is unfeasible for LPA to adopt CIL in addition to s106; 3. where there is significant development planned on several strategic sites. 	<p>These changes will no doubt be a welcome relief, Currently no more than 5 s106 obligations can be entered into for a particular infrastructure type or project. This has caused many issues for both LPA and developers and has resulted in situations where otherwise acceptable planning applications are being refused.</p>
<p>2. Operation of CIL</p>	<ul style="list-style-type: none"> ▪ Relaxing the commencement of development notice for exempt development; ▪ Liabilities to be calculated on basis of existing use of the land; ▪ Indexed to HPI for residential development rather than CPI; ▪ New Annual Infrastructure Funding Statement to replace the Reg 123 lists 	<p>As CIL is still relatively new many practical issues and difficulties are still being uncovered. Relaxing the requirement for a commencement of development notice for certain defined developments is a step in the right direction.</p>
<p>3. The Strategic Infrastructure Tariff</p>	<p>This will be available for combined authorities who have strategic planning powers. It is intended to operate in the same way as the London Mayoral CIL and will sit alongside s106 and CIL. This will allow such authorities to fund “strategic” infrastructure which the Government considers to be “projects with multiple benefits that have a direct</p>	<p>As this will be yet another cost for developers this could deter rather than encourage development.</p>

	impact on all local areas across which the SIT is charged".	
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