

13. THE ADOPTED NATIONAL PLANNING POLICY FRAMEWORK (2018)

1. Introduction

- 1.1 The revised National Planning Policy Framework (NPPF) was formally adopted in July 2018. This followed the publication of the Draft NPPF in March 2018 which had a consultation period that ran for just over 9 weeks, until 10th May 2018.
- 1.2 The Policy and Communities Team responded to the consultation with our own comments, and we also liaised with the other English National Parks to form a joint response by National Parks England (NPE).
- 1.3 This report outlines how the Peak District National Park Authority helped influence the final wording of the Adopted NPPF, as well as outlining the key changes that the Government has made to the Adopted NPPF (2018) from the former NPPF (2012) that Members should be aware of.

2. Recommendation

- 2.1 **That the report be noted.**

3. Consultation into the Draft NPPF (2018)

- 3.1 The NPE and the Policies and Communities Team's responses to the consultation into the Draft NPPF supported a number of the changes proposed, but also raised a number of concerns and asked for clarification on a number of matters.

Chapter 5: Delivering a Sufficient Supply of Homes

- 3.2 We supported the recognition that the Housing Delivery Test would not apply in National Parks, and that these areas should establish their own estimates of housing need.
- 3.3 We questioned whether a five year land supply requirement is suitable in the context of a protected area, especially as we are not subject to the Housing Delivery Test.
- 3.4 We asked for clarification on the definition and implementation of Entry Level Exception Sites, Entry Level Homes, Starter Homes, Starter Home Exception Sites and Rural Exception Sites – all terms included in the draft NPPF.
- 3.5 We raised concern that defining 'entry level exception sites' as sites for entry level homes on the edge of settlements may risk undermining the delivery of affordable housing in perpetuity on rural exception sites. We asked that paragraph 72 was amended to exclude Footnote 7 (now Footnote 6) areas from the requirement to provide entry level exceptions sites, rather than as drafted (referring to them '*not compromising the protection given to these areas*').
- 3.6 We requested that the exemption from allowing Starter Homes on rural exception sites (as set out in the Housing and Planning Act 2016) is included in the NPPF.

- 3.7 We asked that the word '*significant*' be reinstated into paragraph 77 (former paragraph 54) as we felt that removing this phrase would risk undermining a policy that has been successfully operating for many years. (Instead of the paragraph stating: '...consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs', it now states, '...consider whether allowing some market housing on these sites would help to facilitate this'.
- 3.8 We requested that '*social rented housing*' was included in the definition of affordable housing as it remains as an important element of affordable housing supply. We also requested an amendment to the affordable housing definition to allow affordable rented housing can be delivered by organisations other than local authorities and registered providers.
- 3.9 Paragraph 81(d) (now paragraph 79d) introduces the circumstance that sub-dividing an existing isolated residential property in the countryside would be acceptable. We raised concern regarding this proposal, but asked that should it be retained, the paragraph should refer to '*residential dwelling*' rather than '*residential property*'.

Chapter 15: Conserving and Enhancing the Natural Environment

- 3.10 The Draft NPPF proposed the removal of the phrase '*which have the highest status of protection*' from former paragraph 115 in respect of National Parks, the Broads and Areas of Outstanding Natural Beauty. We argued that this statement has been a long accepted part of national policy which continues to be used by Ministers and by Planning Inspectors in justifying their specific legal duty to National Park purposes in appeal decisions. We requested that this wording was retained in the NPPF.
- 3.11 We welcomed the addition of the phrase, '*the scale and extent of development in these designated areas should be limited*' to paragraph 172, in respect of National Parks and the Broads.
- 3.12 We requested that '*and enhancement*' was included after '*conservation*' within draft proposed paragraph 170 as this would better reflect the first statutory purpose of the National Park, Broads and AONB designation.
- 3.13 The glossary of the draft NPPF included a definition of '*major development*' based upon the Town & Country (Development Management Procedure) (England) Order 2015. This would have resulted in major development in National Parks being restricted to 10 or more dwellings, buildings comprising 1,000m² or more of floorspace etc. which was contrary to the definition of major development in designated areas, as set out in paragraph 005 of the NPPG ('*whether a proposed development...should be treated as a major development...will be a matter for the relevant decision taker, taking into account the proposal in question and the local context*'). We therefore requested that a distinction was made between major development in designated areas and that which occurs elsewhere.
- 3.14 The term, '*ecosystem services*' was deleted from paragraph 168(b) of the Draft NPPF (previously paragraph 109) and replaced with '*natural capital*'. Whilst we acknowledged that the reference to natural capital was welcomed, we requested that '*ecosystem services*' was retained. Whilst the two terms are related, they are not fully interchangeable and therefore losing specific reference to ecosystem services risks losing sight of the functional link between the assets and the benefits they provide.

- 3.15 The definition of '*International, National and Locally Designated Sites of Importance for Biodiversity*' was deleted from the Glossary in the Draft NPPF and paragraph 172 of the Draft no longer included a reference to locally designated sites. We asked for the original paragraph (2nd bullet point of paragraph 117, NPPF 2012) to be retained and for the footnote referring to Circular 06/2005 to be updated so that it refers to internationally, nationally and locally designated sites.

4. How did our Consultation Responses Influence the Adopted NPPF?

- 4.1 Overall, we feel that the comments submitted by both NPE and the Policy and Communities Team were taken into consideration and the majority of the changes we asked for have been included within the adopted NPPF (2018). We feel like we made a significant contribution to influencing the final policy wording contained within the adopted NPPF.
- 4.2 In respect of Chapter 5: Delivering a Sufficient Supply of Homes:
- a) The Housing Delivery Test does not apply to National Parks.
 - b) It has been clarified within the National Planning Policy Guidance that National Parks are not exempt from the 5 year housing land supply calculations. We will seek further clarity on this matter from the Planning Advisory Service (PAS) in due course.
 - c) The adopted NPPF amended Footnote 34 to state, '*entry-level exception sites should not be permitted in National Parks, the Broads Authority, AONBs or Green Belt*', as requested.
 - d) Under the definition of '*rural exception sites*' in the Glossary, it states '*small sites used for affordable housing in perpetuity*' which, given the definition of a Starter Home (i.e. can be resold or let at their open market value after 5 years and not retained as affordable in perpetuity), Starter Homes would be excluded from rural exception sites.
 - e) The request to retain the word 'significant' within paragraph 77 in respect of allowing some market housing on rural exception sites in order to facilitate 'significant' affordable housing was not brought back into the adopted NPPF. We feel this has weakened the policy approach in this regard.
 - f) The term '*social rented housing*' was added to the definition of affordable housing in the Glossary, as requested, however no changes were made to the text in respect of those organisations who can deliver social rented housing; this is still local authorities and registered providers (other than as part of a Build for Rent scheme).
 - g) The new provision of sub-dividing isolated homes in the countryside was retained, however the wording was amended, as requested, to '*residential dwelling*' rather than '*residential property*'.
- 4.3 In respect of Chapter 15: Conserving and Enhancing the Natural Environment:
- a) The phrase '*which have the highest status of protection*' in respect of National Parks, the Broads and Areas of Outstanding Natural Beauty has been put back into the adopted NPPF (paragraph 172).
 - b) The term '*and enhancement*' has been included twice into paragraph 172 of the adopted NPPF, as requested, so that policy now requires the conservation and

enhancement (rather than just the conservation) of National Parks, the Broads and AONBs and the wildlife and cultural heritage within them.

- c) The adopted NPPF makes the distinction between major development in designated areas and major development elsewhere in Footnote 55, as requested, and is supported in the Glossary by Footnote 70.
- d) The adopted NPPF reinstated '*ecosystem services*' alongside '*natural capital*' in paragraph 170(b), as requested.
- e) In respect of International, National and Locally Designated Sites of Importance for Biodiversity, the adopted NPPF reinstated a lot of former paragraph 117. Paragraph 174(a) now refers to internationally, nationally and locally designated sites and the definition of this term has been reinstated into the Glossary, as requested.

5. General Comments regarding the Adopted NPPF (2018)

5.1 Numerous changes have been made to the adopted NPPF (2018) from the NPPF (2012) – see Background Documents. However the general thrust of the document has changed very little, with many of the changes simply encompassing policy changes that were previously published in:

- National Planning Policy: Consultation on proposed changes (Dec 2015);
- The Housing White Paper (Feb 2017);
- Planning and Affordable Housing for Build to Rent: A consultation paper (Feb 2017);
- Planning for the right homes in the right places: Consultation proposals (Sept 2017); and
- The Budget 2017.

5.2 The NPPF has been re-ordered so that 'Plan-making' and 'Decision-making' are now at the beginning of the document, followed by the chapter on 'Housing'.

5.3 Each chapter now starts on a new page and sub-headings have been introduced which makes the document more legible.

5.4 The chapter on 'Supporting a prosperous rural economy' has been included within the chapter titled 'Building a strong, competitive economy'.

5.5 A new chapter has been included titled 'Making effective use of land'.

5.6 The document has been extended from 57 pages to 73 pages, although the overall number of words has decreased, largely due to each chapter starting on a new page.

5.7 The chapters most significantly changed in the revised NPPF (2018) are:

- Achieving sustainable development;
- Plan-making;
- Delivering a sufficient supply of homes;
- Promoting sustainable transport; and

- Achieving well-designed places.

6. Key Areas of the Adopted NPPF (2018) to Note for the Peak District National Park Authority

- 6.1 A report has been produced showing all the changes made by the adopted NPPF (2018) to the NPPF (2012). As not all of these changes are relevant to the Peak District National Park, the following outlines the key changes that are of relevance, chapter by chapter:

Chapter 2: Achieving Sustainable Development

- 6.2 The 'Presumption in Favour of Sustainable Development' retains the proviso that National Parks (as a 'protected area' defined by Footnote 6) do not need to provide for objectively assessed needs if there is a strong reason for restricting the overall scale, type or distribution of development in the plan area, and that planning permission should not be granted for developments in National Parks when development plan policies are silent or out-of-date.

Chapter 3: Plan-Making

- 6.3 The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or Neighbourhood Plans that contain just non-strategic policies. The development plan for the area will comprise a combination of strategic and non-strategic policies that are in force at a particular time (paragraphs 17-19).
- 6.4 Plans are required to make explicit which policies are strategic policies and these policies should look ahead over a minimum 15 year period from adoption (except in relation to town centre development) (paragraphs 21 and 22).
- 6.5 Rather than a memorandum of understanding/jointly prepared strategy being produced when Local Plans are submitted for examination, authorities are now required to *'prepare and maintain one or more statements of common ground, documenting the cross boundary matters addressed and the progress in cooperating to address'* them throughout the plan-making process. They should be produced using an approach set out in the Planning Practice Guidance, and should be publicly available (paragraph 27).
- 6.6 Policies should be reviewed to assess whether they need updating at least once every five years, and then should be updated as necessary. Reviews should be completed no later than 5 years from the adoption date of the plan and should take account of changing circumstances affecting the area and any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly, earlier if the figure is expected to change significantly in the near future (paragraph 33).

Chapter 4: Decision-Making

- 6.7 Paragraph 44 states that local planning authorities should keep the requirements of a local validation list to the minimum needed to make decisions (rather than

‘proportionate to the nature and scale of development proposals’) and should be reviewed at least every two years (rather than *‘on a frequent basis’*).

- 6.8 Paragraph 55 states that planning conditions should be kept to a minimum; outlines that pre-commencement conditions should be avoided unless there is clear justification; and states that agreeing conditions early is beneficial to all parties.

Chapter 5: Delivering a sufficient supply of new homes

- 6.9 Paragraph 60 outlines that the Local Housing Need Assessment shall be conducted using the standard method in national planning guidance, unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. It also outlines that needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for. The Planning Practice Guidance states at paragraph 013 of the ‘Housing Need Assessment’ chapter that National Parks can deviate from the standard method.
- 6.10 Entry-level exception sites should not be permitted in National Parks or the Broads Authority, AONBs or land designated as Green Belt (Footnote 34).
- 6.11 Paragraphs 73 and 74 discuss housing supply and the requirement to have a 5 year housing land supply. The Planning Practice Guidance suggests at paragraph 31 of the ‘Housing and Economic Land Availability Assessment’ chapter that National Parks and the Broads Authority are not exempt from the requirement to produce a 5 year housing land supply.
- 6.12 Paragraph 057 of the ‘Housing and Economic Land Availability Assessment’ chapter of the Planning Practice Guidance states that the Housing Delivery Test does not apply to National Park Authorities.
- 6.13 To ensure proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition requiring development to begin within a timescale shorter than the relevant default period (paragraph 76).
- 6.14 Paragraph 77 states that local planning authorities should consider *‘whether allowing some market housing on these sites would help to facilitate [bringing forward rural exception sites]’*. This has changed from paragraph 54 of the NPPF (2012) that previously stated, *‘local planning authorities should in particular consider whether allowing some market housing [on rural exception sites] would facilitate the provision of significant additional affordable housing to meet local needs’*.
- 6.15 Former paragraph 55 (NPPF, 2012) regarding isolated homes in rural areas has been split into two separate paragraphs:
- The first (paragraph 78) talks about promoting sustainable housing in rural areas where it will enhance or maintain the vitality of rural communities. It states that *‘plans should identify opportunities for villages to grow and thrive, especially where this will support local services’*.
 - The second (paragraph 79) discusses the exceptions when homes in the countryside can be acceptable. The first bullet point has been amended in respect of rural workers to include *‘those taking majority control of a farm*

business,’ and a new bullet point has been included: ‘(d) the development would involve the subdivision of an existing residential property’. All of the other exceptions have been retained.

Chapter 6: Building a Strong, Competitive Economy

- 6.16 Paragraph 80 states that *‘policies and decisions should help create the conditions in which businesses can invest, expand and adapt’.*
- 6.17 A new paragraph (84) has been included that states that *‘planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable...The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist’.*

Chapter 7: Ensuring the Vitality of Town Centres

- 6.18 Paragraph 85(a) promotes the long-term vitality and viability of town centres by *‘allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters’.*
- 6.19 The requirement to define *‘primary and secondary frontages’* in designated town centres and primary shopping areas has been deleted, as has the requirement to *‘promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres’* (previously paragraph 23, NPPF 2012).

Chapter 9: Promoting Sustainable Transport

- 6.20 Paragraph 109 (previously the third bullet point of paragraph 32) in respect of refusing development on transport grounds has been amended, from:
- *‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’, to:*
 - *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*

Chapter 11: Making Effective Use of Land

- 6.21 Paragraph 118 states that policies and decisions should:
- Encourage multiple benefits from both urban and rural land and take opportunities to achieve net environmental gains.
 - Recognise that some undeveloped land can perform many functions.
 - Give substantial weight to the use and remediation of brownfield land.
 - Promote and support the development of under-utilised land and buildings.

- Support the use of airspace above existing residential and commercial premises for new homes.
- 6.22 Paragraph 120 states that land allocated for a particular use in plans and land availability should be regularly reviewed; reallocated to an alternative use; or deallocated as appropriate. Prior to reviewing a plan, applications for alternative uses should be supported where the proposed use would meet an unmet need for development in the area.
- 6.23 Paragraph 123 outlines that where there is an existing or anticipated shortage of land to meet housing needs, plans should contain policies that optimise the use of land by avoiding homes being built at low densities. When considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would inhibit making efficient use of a site.

Chapter 12: Achieving well-designed places

- 6.24 The chapter starts with the statement: *‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve’* and goes on to state that, *‘being clear about design expectations, and how these will be tested, is essential for achieving this’* (paragraph 124).
- 6.25 *‘Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development’* (paragraph 125).
- 6.26 The list of design aims that policies and decisions should try to achieve from a development have been maintained (paragraph 127) but some words have been changed and some aims have been expanded upon. Changes include:
- The requirement that planning policies and decisions should ensure that developments not only respond to *‘local character and history’* but also to the *‘built environment and landscape setting’* rather than *‘the identity of local surroundings and materials’*;
 - Planning policies and decisions should not prevent or discourage change, including increased densities;
 - Places should be *‘attractive, welcoming and distinctive’* rather than *‘attractive and comfortable’*; and
 - Developments should *‘promote health and well-being, with a high standard of amenity for existing and future users’*.
- 6.27 Local planning authorities should use *‘Building for Life 12: The sign of a good place to live’* as a tool for assessing and improving the design of development (paragraph 129 and Footnote 47).
- 6.28 Paragraph 131 states that great weight should be given to outstanding or innovative designs *‘which promote high levels of sustainability’* or help raise the standard of design more generally in an area, *‘so long as they fit in with the overall form and layout of their surroundings’*.

Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 6.29 The introduction to this chapter encourages *‘the reuse of existing resources, including the conversion of existing buildings’* (paragraph 148).
- 6.30 New developments should be planned in ways that *‘can help reduce greenhouse gas emissions, such as through its location, orientation and design; and any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards’* (paragraph 150). The consultation document referred to the Clean Growth Strategy and will look at the energy performance standards in Building Regulations.
- 6.31 Paragraph 165 requires major developments to incorporate sustainable urban drainage systems unless there is clear evidence that it would be inappropriate.

Chapter 16: Conserving and Enhancing the Historic Environment

- 6.32 Paragraph 193 has been revised to clarify that when considering the impact of a proposed development on a designated heritage asset, decision makers should give great weight to the asset’s conservation *‘irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’*.

Chapter 17: Facilitating the Sustainable Use of Minerals

- 6.33 The language around on-shore oil and gas development including unconventional hydrocarbons has been altered to be more positive and asks mineral planning authorities to *‘recognise their benefits’* and to put in place policies to *‘facilitate their exploration and extraction’* (paragraph 209).

Annex 2: Glossary

- 6.34 A definition of *‘designated rural areas’* has been included in the Glossary that states: *‘National Parks, Areas of Outstanding Natural Beauty and areas designated as ‘rural’ under Section 157 of the Housing Act 1985’*.
- 6.35 The definition of *‘major development’* in the Glossary includes a footnote to state the definition does not apply to paragraphs 172 and 173 (i.e. major development in National Parks, the Broads and Areas of Outstanding Natural Beauty).
- 6.36 The definition of *‘rural exception sites’* in the Glossary has been amended from: *‘small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding’* to: *‘a proportion of market homes may be....’*

7. Conclusion/Possible Implications for the Authority

- 7.1 We feel that the Government listened to the consultation responses we submitted, both as part of National Parks England and through our own comments, as many of the changes we requested were taken on board by the Government and included within the adopted NPPF.

- 7.2 We are still awaiting the publication of further detailed guidance to be included within the National Planning Policy Guidance or via stand-alone publications from the Government, with no date provided as to when these will be forthcoming. The *'Government response to the draft revised National Planning Policy Framework consultation'* published in July 2018 indicates where additional guidance is likely to be published on specific topics.
- 7.3 There may be resource implications for the Policy and Communities Team from:
- Having to produce and publicise ongoing Statements of Common Ground.
 - The likelihood of the Authority having to produce a 5 year housing land supply.
 - The requirement that Local Plans need to be reviewed every 5 years.
 - Whether the Design Guide needs to be updated in light of the revised chapter 'Achieving well-designed places' (i.e. the requirement to take into account Building for Life 12, outstanding and innovative designs etc.)
- 7.4 The definition of affordable housing has been expanded to include new products which the Policy and Communities Team will have to consider in the course of a future review of the Local Plan.
- 7.5 A debate will need to be had during the course of a future review of the Local Plan regarding whether enhancement sites that are redeveloped for housing under Core Strategy policy HC1 should be subject to a minimum density standard, in order to meet the NPPF requirement of making the most efficient use of land.
- 7.6 Also within a future review of the Local Plan, consideration will need to be given to paragraph 78 that states that *'plans should identify opportunities for villages to grow and thrive, especially where this would support local services'* and what this may mean for the National Park.

8. Background Papers (not previously published)

- A copy of the NPPF (2012) highlighted to show which text has been deleted or changed by the adopted NPPF (2018).
- A copy of the adopted NPPF (2018) highlighted to show which text is new.
- National Parks England's response to the consultation on the draft NPPF (March 2018).
- A full list of all of the changes that have been made from the NPPF (2012) to the adopted NPPF (2018).

9. Report Author and Job Title

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