
Consultations on government reforms to the planning system

SYNOPSIS

The purpose of this report is to inform Members that the government is consulting on reforms to the planning system which are of significance to the preparation of Local Plans and the determination of planning applications. The proposed response is included within this report for Members information and comment.

1. Introduction

- 1.1 The government has published a package of reforms to the planning system for consultation.
- National Planning Policy Framework: [consultation proposals](#) and [draft text](#)
 - [Draft planning practice guidance](#)
 - [Housing Delivery Test: draft measurement rule book](#)
 - [Supporting housing delivery through developer contributions](#)
 - [Government response to the Planning for the right homes in the right places consultation](#)
- 1.2 The consultation is significant and will have important implications for both the preparation of planning policy documents and development control decision making in the future. Responses to the consultation must be made by Thursday 10th May 2018. These must be made in the form of a response to an online survey. The questions are reproduced at Appendix 1 for reference.
- 1.3 The consultations on the revised National Planning Policy Framework (NPPF) and the developer contributions are summarised in the next sections along with officer comments arising from consideration of the implications for this Council and its planning functions.

2. Details

National Planning Policy Framework

- 2.1 The first NPPF was published by the Government in 2012. This consultation seeks views on revisions to the NPPF that build upon the ideas first set out in the Housing White Paper (February 2017) and Planning for the Right Homes in the Right Places consultation (September 2017), to which Corby Borough Council and the North Northamptonshire Joint Planning Committee responded to in some detail.

Chapter 1 - Introduction

- 2.2 Similar to the original NPPF, the introductory chapter confirms that the Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions (paragraph 2). The revised NPPF clarifies that the endorsed recommendations of the National Infrastructure Commission may be material when preparing plans or determining applications (paragraph 6).

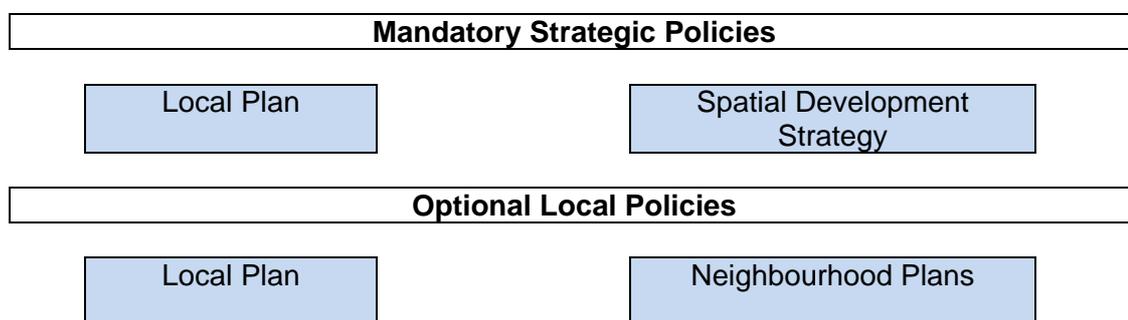
Officer comments – Clarification that the endorsed recommendations of the National Infrastructure Commission may be a material consideration adds further traction to the Cambridge-Milton Keynes-Oxford Corridor proposals. The North Northamptonshire Joint Planning and Delivery Committee on 15th March 2018 confirmed that North Northamptonshire should be part of the Cambridge-Milton Keynes-Oxford Corridor, subject to it being treated as a distinct planning and delivery area, with a bespoke housing and growth deal with Government.

Chapter 2 - Achieving sustainable development

- 2.3 As with the existing NPPF, sustainable development as a principle remains at the heart of the document. The wording of the presumption in favour of sustainable development has been amended in relation to plan-making with an expectation that Objectively Assessed Needs will be accommodated, including any unmet need from neighbouring areas, unless there are strong reasons for restricting development. The original NPPF includes examples of policies which provide a specific reason for restricting development. This is proposed to be changed to a defined list, which is set out at footnote 7 and includes sites protected under Birds and Habitats directive, Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty, irreplaceable habitats including ancient woodland, aged or veteran trees, designated heritage assets and areas at risk of flooding. It does not refer to policies in development plans but states that this approach does not preclude other policies being used to limit development where the presumption applies, if the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 2.4 The decision-making part of the presumption has also been amended to address points that have been subject to legal action, so that it 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 (paragraph 11).

Chapter 3 - Plan-making

- 2.5 The section on plan-making has been moved to the front of the NPPF to give it greater prominence and emphasise the government’s intention to deliver on its long held ambition for a genuinely plan-led planning system.
- 2.6 The revised NPPF introduces greater flexibility over the types of plan that can be produced as illustrated in the new plan-making framework below:



- 2.7 The revised NPPF states that as a minimum, authorities must ensure that there is a strategic plan which addresses the strategic priorities for the area (paragraph 17). A list of strategic policies is set out in paragraph 20 and includes the homes and workplaces needed, appropriate retail, leisure and other commercial development, physical infrastructure, community facilities, climate change, and conservation and enhancement of the natural, built and historic environment. Individual authorities or joint authorities may produce the strategic plan. It also opens up the opportunity for elected Majors or combined authorities to produce spatial development strategies and for these to allocate sites.
- 2.8 Where more detailed issues need addressing, local policies can be produced for inclusion in a local plan, or in a neighbourhood plan prepared by a neighbourhood plan group (a parish council or a neighbourhood forum) to complement the strategic plans (paragraph 18).
- 2.9 The revised NPPF expects plans to distinguish between strategic and local policies (paragraph 21).
- 2.10 As trialled in previous consultation, the revised NPPF introduces the requirement for strategic plan-making authorities to prepare and maintain one or more statements of common ground, as evidence of cross boundary working and to satisfy the statutory duty to

cooperate (paragraph 29). The text in the NPPF itself is limited on this matter but there is more explanation in accompanying guidance.

- 2.11 The revised NPPF retains the assessment of strategic and local plans against the test of soundness but it is partially relaxed so that the plan should be ‘an appropriate strategy’ not the ‘most appropriate strategy’ (to avoid the need for disproportionate work to demonstrate that a strategy is optimal). Allied to this the prescriptive list of evidence that needs to be collected for plan-making has been removed from the Framework. Further changes include amendment to the positively prepared soundness test to emphasis the role of plans in meeting the Objectively Assessed Needs for housing. The revised NPPF expects plans to be reviewed every 5 years from adoption.
- 2.12 The revised Framework introduces the expectation that plans should use digital tools to assist consultation and presentation of policies (paragraph 16).

Officer comments – Welcome the flexibility to produce a variety of plans at different spatial levels as this provides opportunity to strengthen strategic cross boundary working and is significant in the context of the Oxford-Milton Keynes-Cambridge Corridor proposals and uncertainty surrounding governance arrangements in Northamptonshire. Object to removing the requirement to produce further local policies to support the strategic plan because there are important issues such as health and wellbeing and detailed design issues which do not fit into strategic priorities leaving the potential for policy vacuum. There is also concern that relying on community groups to produce Neighbourhood Plans to provide the local policies could lead to policy vacuum where communities do not have the skills or capacity to prepare plans.

Amendments to the test of soundness are welcomed, in particular that the plan should be an appropriate strategy.

Chapter 4 - Decision-making

- 2.13 The revised NPPF places additional emphasis on pre-application discussions, in particular early engagement on infrastructure and affordable housing issues (paragraph 42). In terms of conditions, there is the encouragement for early agreement on wording and avoidance where possible, of pre-commencement conditions (paragraph 56).
- 2.14 Paragraph 58 takes forward reforms to viability assessments proposed in the *Planning for the right homes in the right places* consultation. The draft text suggests that viability assessments should not be required where a development accords with development plan policies. It also expects all viability assessments to reflect the governments recommended approach which is set out draft revised national planning guidance published alongside the Framework, including a standardised approach to viability assessments and greater transparency with viability assessments made publically available.
- 2.15 In support of the revised Framework, draft national planning guidance says that plans should define circumstances when a viability assessment should be carried out at the decision-making stage. The guidance also sets out when and how review mechanisms may be used to amend developer contributions to help account for significant changes in costs and values. This could include Plans setting out how such mechanisms could be used where values increase and how the increase can be apportioned between the local authority and the developer.
- 2.16 The Framework sets out the weight that may be given to policies in emerging plans (previously in Annex 1 of the original NPPF), and puts into policy that approach to ‘prematurity’ previously contained in national planning guidance (paragraphs 49 to 51).

Officer comments – The proposed changes incorporate a significant shift in the role of viability assessments from the decision making stage to the plan making stage. In theory, this would reduce negotiations at planning application stage. However this requirement places a considerable burden of proof on plan making authorities. Site-specific viability assessments are complex and the costs of development are often not known until the planning application is submitted. Also over time, the viability work on a Local Plan may become dated or may need to change due to market or economic changes which make the viability assessments undertaken at the plan making stage redundant. The consequences are that key sites may then not be viable to develop and come forward. This will then impact on the ability of the local planning authority to deliver and meet the housing need of the area. It is recommended that the government are advised that the current proposals on assessing viability are likely to lead to greater burden on local planning authorities already facing continuing budget constraints and will not reduce detailed discussions at planning application stage.

Greater transparency and a more standardised approach are welcomed and will assist the local planning authority and local community in understanding viability matters. The introduction of review mechanisms to capture increases in the value of development is also welcomed. It seems sensible that if having negotiated a viability assessment that reduces contributions, that if circumstances change and the marginality of the development improves, that financial gains should be shared with the local community to off-set the pressures of development.

Chapter 5 - Delivering a wide choice of high quality homes

- 2.17 The chapter on housing has also been elevated within the revised NPPF underlining it as being the government's political priority and has been largely rewritten.
- 2.18 Amongst the most significant changes in the revised NPPF is the proposed introduction of a new standard method for the calculation of local housing need and a 'Housing Delivery Test'. The consultation refers to the local government finance settlement technical consultation and the possibility that new homes bonus could be linked to the delivery test or the use of the standard approach to local housing need.
- 2.19 The details of the standard method for calculation of local housing need are set out in the draft revised national planning guidance published alongside the Framework. It is based on a formula taking into consideration local housing prices, wages and projected household. The resulting planned housing numbers will be capped based on figures in existing local plans. This methodology is expected to be used to inform a local housing target unless exceptional circumstances exist that allow for an alternative target.
- 2.20 The Housing Delivery Test is a mechanism to assess housing completions within each area and to enable further action if sufficient housing is not being delivered. The accompanying document 'Housing Delivery Test: draft measurement rule book' details that the Housing Delivery Test is simply a figure expressed as a percentage of the total net homes delivered against the total number of homes required over the previous three years. The policy consequences of not meeting the Housing Delivery Test are outlined in paragraphs 74(c), 75 and 77. From November this year, if an authority has only delivered 95% of its required housing, it will need to publish an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years. Where greater levels of under-delivery occur (the delivery of only 85% of an authority's housing requirement from November 2017), a 20% buffer on a council's five year supply requirement will be applied. For substantial under-delivery the Framework proposes a tiered approach to the triggering of the presumption in favour of sustainable development. From November 2018, the presumption will apply to authorities whose delivery falls below 25%. This will rise to 45% from November 2019 and 75% from November 2020.

Officer comments – The new Housing Delivery Test measures each local authority's performance in delivering new homes, rather than number of homes planned for. This puts the need to deliver housing and not just identify sites firmly on the centre stage. It will no longer be enough for a local planning authority to show five years worth of sites that have the potential to be delivered, but we must also show that we are delivering housing to meet their requirements.

Initial analysis based on PAS guidance indicates that net additions in Corby Borough fall 81% below the housing requirements in November 2018 falling to 77% by November 2020. As a result the Council will be required to publish an action plan, setting out the causes of under-delivery and actions to increase delivery.

The introduction of the Housing Delivery Test in addition to the requirements to maintain a five year housing land supply will act to undermine the plan-led planning system, as well as the value local communities place in their involvement into Local Plans. This, in turn, undermines local decision-making for local communities, who should have the reassurance of a plan-led planning system.

Local planning authorities are responsible for permitting sustainable development (i.e. planning permissions) in appropriate locations for local community benefit but not delivery (i.e. housing completions). Delivery rates are largely driven by the private development sector, and Local Planning Authorities are limited in their abilities to manage the housing market locally. Indeed, the Government's own advisor Sir Oliver Letwin, published a letter in March 2018 that, highlighted a number of issues outside the control of Local Planning Authorities that need to be addressed, including developers building out slowly to manage the market as well as both a skills shortage and a materials shortage. He also refers to concerns regarding the availability of capital, constrained logistics on site, slow speed of installations from utility companies, land remediation and problems with local transport infrastructure.

Corby Borough Council has a well established commitment to increasing the supply and delivery of new homes and is positively planning to support large scale growth and regeneration. Measures include:

- Adopted a Joint Core Strategy with specific allocation for around 4,500 new dwellings within a mixed use sustainable urban extension to the West of Corby
- Preparing Part 2 Local Plan that will provide locally specific policies and site allocations to complement the Joint Core Strategy
- Supporting the preparation of Neighbourhood Plans
- Established a custom and self build register to record the interest of those looking to build their own home in the Borough
- Published a Brownfield Register to identify suitable sites for housing using previously developed land.
- Working in partnership with Homes England to stimulate development at key town centre sites and transport hubs
- Actively engaging with developers to proactively manage large scale developments
- Liaise regularly with applicants to speed up decision making
- Support pre-application discussions
- Introduced Planning Performance Agreements
- Proactive promotion of sites with multiple landowners
- Developed new affordable housing as part of an ongoing affordable housing programme
- Prepared supplementary planning documents to provide greater clarity on what is required (e.g. developer contributions) on housing schemes, providing certainty for the development industry
- The North Northamptonshire Joint Planning and Delivery Unit has secured capacity funding for a delivery manager and housing project officer to support housing delivery

This is having a positive impact with housing completions in 2017/18 up by 62% compared to 2016/17 and in excess of the requirements set out in the Joint Core Strategy.

There is concern that the introduction of the Housing Delivery Test would significantly undermine this work and is disproportionately punitive towards Local Planning Authorities. Furthermore, the delivery test proposals could reward developers for slowing down the delivery of their sites, to increase the chances of winning planning permission for speculative sites through the appeals process.

Officers believe that the government needs to reconsider these proposals. It must be clearly recognised within the revised NPPF or accompanying guidance that Local Planning Authorities have limited ability to manage the housing market locally and that this should be reflected in the consideration of the Housing Delivery Test and subsequent action plans.

- 2.21 To encourage housing delivery, local authorities are expected to use Brownfield Registers and permission in principle (paragraph 39). Paragraph 78 provides that authorities should consider imposing a planning condition to bring forward development within two years rather than the default three year period, except where a shorter timescale could hinder the viability or deliverability of a scheme. It also encourages local planning authorities to consider why major sites have not been built out when considering subsequent planning applications.
- 2.22 Paragraph 62 makes it clear that there should be policies that identify the size, type and tenure of homes required for different groups in the community, including groups with particular needs which are expanded to incorporate students and travellers, as well as people who rent their homes.
- 2.23 The revised NPPF continues the current policy which requires that where the need for affordable housing is identified policies should specify the type of affordable housing and expect it to be met on site unless off site provision or contributions in lieu can be justified or the agreed approach contributes to the objective of balanced communities (paragraph 62). As for major developments, the draft revised NPPF states there is an expectation of 'at least 10%' of homes to be affordable. There are some exceptions to this, for example; when the 10% figures exceeds the level of affordable housing required in the area or if it significantly prejudices the ability to meet the identified affordable housing need of specific groups. Exemptions also apply when the proposal provides solely for Build to Rent Homes, provides specialist accommodation for a group of people with specific needs or is being progressed by those who wish to build their own homes (paragraph 65). Provision of affordable housing should not be sought for developments that are not on major sites defined as housing development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more (paragraph 64).
- 2.24 One of the most significant changes is that the definition of affordable housing has been extended with greater emphasis on housing for sale, rather than for rent. Furthermore, the definitions of 'social rented housing' and 'affordable rented housing' have been merged in to one definition of 'affordable housing for rent' which also encompass 'Build to Rent' schemes. Similarly, where it was previously stipulated that 'low-cost market housing may not be considered as affordable housing for planning purposes' now starter homes and so-called 'discounted market sales housing' are not just included, but separately defined. Equally, the catch-all description of 'other affordable routes to home ownership' includes shared ownership, relevant equity loans and 'other low-cost homes for sale and rent to buy'. (Annex 2, Glossary).
- 2.25 Paragraph 72 reflects the announcement at Budget 2017 that the Government would consult on allowing the development of exception sites to provide entry-level homes suitable for first-time buyers, where a local need is identified.
- 2.26 The revised NPPF states that neighbourhood areas must have a clear housing target set out in strategic plans (paragraph 66). Where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body (paragraph 67).

- 2.27 In order to encourage greater use of small sites and the development of SMEs into the market, the revisions require that plans show at least 20% of the sites identified for housing are of half a hectare or less (paragraph 69).
- 2.28 Paragraph 76 takes forward the Housing White Paper proposal that the five year housing land supply position should be capable of being agreed for a one-year period. The draft text states that this should be demonstrated either through a recently adopted plan, or through a subsequent annual position statement.
- 2.29 The revised NPPF provides additional certainty for neighbourhood plans based on the Written Ministerial Statement of 12th December 2016. It confirms a degree of protection to Neighbourhood Plans against development proposals that conflict with the plan on grounds that a local authority cannot demonstrate a five year supply of housing. To benefit from protection a Neighbourhood Plan must have recently been brought into force, meet its housing requirement, that the parent local authority can demonstrate a three-year supply and its housing delivery was at least 45%.
- 2.30 Reference to garden city principles has been removed.

Officer comments - Widening the definition of affordable housing to include a wide range of intermediate housing products which are not commonly known as affordable is unlikely to provide comfort to those currently without the means to buy property who are reliant on social rented housing. It also threatens to devalue what can be negotiated through Section 106 contributions and will shift the focus away from the provision of genuinely affordable tenures such as social rented housing. The final version of the revised NPPF should make a clear distinction between intermediate housing products and a genuine measure of affordability. The definition of an affordable home should be based on a measure of income instead of being linked to an arbitrary proportion of market price.

There is concern over Paragraph 65 and the reference to affordable home ownership. Exemptions are provided, including if it significantly prejudices the ability to meet the identified affordable housing need of specific groups. However, it is important that policies meeting the housing needs for an area, including the percentage of affordable housing mix and tenure are based on local evidence. It should not be for national policy to dictate local housing need. It is noted that the revised Framework supports a lower threshold for the provision of affordable housing than the local evidence-based target in Policy 30 of the Joint Core Strategy that enables the authority to seek affordable housing on developments of 15 or more in the urban area and 11 or more elsewhere, subject to viability.

The expectation that at least 20% of the sites identified for housing in plans are of half a hectare or less is considered to be too high. Recent evidence to support appeal hearings provides an indication of the supply of housing land within Corby to be identified within the local plan. Of this, currently less than 1% is predicted to fall on sites of half a hectare or less. It is questionable how achievable the 20% target will be in a high growth area such as Corby where supply is heavily dependent on strategic sustainable urban extensions. Therefore, it is highly recommended that government are not prescriptive on the matter of the proportion of land coming forward on small or medium sites.

It is acknowledged that the development of entry level exception sites has the potential to provide additional smaller scale development opportunities on unallocated sites in locations that traditionally would have less policy support for housing. However the definition of the term 'entry level exception sites' as defined by the government in the glossary and paragraph 72, lacks clear and detailed definition, and therefore needs to be clarified by government.

Measures to encourage housing delivery such as Brownfield Register, Permission in Principle and shortened commencement period are largely already in place. The NPPF could be strengthened by explicitly encouraging authorities to refuse applications by promoters who repeatedly fail to deliver actual developments.

Delivering housing to meet the needs of different groups in the community, including students and travellers, as well as people who rent their homes is a laudable aim. However

it is the implementation of such needs that causes difficulty when house builders, particularly in the private sector, are averse to constructing homes outside of their models and tend to favour the less land hungry houses and flats rather than bungalows which would suit a growing older population of buyers as well as renters.

Unfortunately the government has deleted reference to the role of 'Garden City Principles', which had been the governments vision of creating sustainable communities, some of which are already being taken forward across the UK, including the nearby Tresham Garden Village.

Chapter 6 - Building a strong, competitive economy

- 2.31 The revised NPPF makes limited substantive changes to the economy chapter. The general direction to support sustainable economic growth is retained but more explicit reference is made to the importance of supporting business growth and improved productivity to reflect the government's industrial strategy¹ (paragraphs 82 to 83).
- 2.32 On employment land more specifically, the original NPPF currently states that, "*planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*". This no longer appears in the economy chapter, but now features in expanded form in chapter 11 on "*making effective use of land*". The sentiment largely remains the same but the approach to land should be informed by regular reviews and applications for alternative uses should be supported where unmet needs for development could be provided for. Furthermore, in areas of high housing demand, the use of existing retail and employment land for homes is supported where it would not undermine key economic sectors or sites (paragraph 121).
- 2.33 The rural economy section in the original NPPF has been brought within this chapter, with new policy on the potential need for local policies to accommodate sites for local business and community needs outside existing settlements (paragraph 85).

Chapter 7 - Ensuring the vitality of town centres

- 2.34 The revised Framework proposes a shorter ten-year time horizon for allocating sites to meet the forecast needs for new retail, leisure, office and other main town centre uses (paragraph 86d). This contrasts with the original NPPF, which requires authorities to allocate sites to 'meet needs in full' over the plan period – currently 15 years or more.
- 2.35 Other measures within this chapter seeking to strengthen the 'town centre first' approach include amendments to the sequential test so that town centre or edge-of-centre sites do not have to be immediately available, but within a 'reasonable period of time' (paragraph 87). Whilst the NPPF does not seek to define what a reasonable timeframe would be, it moves away from appeal decisions such as Rushden Lakes that suggested sites should be "currently available". Finally the requirement for an impact test to be applied to office developments outside town centres has been removed (paragraph 90).

Chapter 8 - Promoting healthy and safe communities

- 2.36 In this section, paragraph 94 reflects the Housing White Paper proposal that policies and decisions should consider the social and economic benefits of estate regeneration and that planning powers should help deliver high quality estate regeneration. There is additional recognition of the role of planning in promoting social interaction and healthy lifestyles and that planning policies and decisions should promote public safety including taking account of wider defence and security requirements.

Chapter 9 - Promoting sustainable transport

- 2.37 The transport chapter has been completely rewritten with more emphasis on enabling development and early consideration of transport issues. The policy on assessing the transport impact of proposals (paragraphs 108-110) has been amended to refer to highway

¹ HM Government (2017) [Industrial Strategy: Building a Britain fit for the future](#)

safety as well as capacity and congestion in order to promote the prioritisation of pedestrian and cycle, public transport (where possible) and the importance of creating well designed places. Similar to the original NPPF the revised Framework states that development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe (paragraph 109).

- 2.38 Paragraph 105f sets out a new policy to recognise the importance of maintaining a national network of general aviation facilities relating to their economic value in serving business, leisure, training and emergency service needs.
- 2.39 In terms of parking, maximum standards should only be used with compelling justification and in town centres parking should be convenient, safe and secure and link to measures promoting accessibility for pedestrians and cyclists.

Officer comments – Paragraph 109 should be amended to reflect the increased emphasis on pedestrians and cyclist. It is suggested that “only” is deleted to allow decision makers to refuse applications on highway grounds if sufficient consideration has not been given to pedestrian and cycle movements in accordance with paragraph 110 of the revised Framework.

Chapter 10 - Supporting high quality communications

- 2.40 The chapter on communications infrastructure largely remains unchanged although the revised NPPF includes greater emphasis on facilitating full fibre broadband connections and explicitly sets out expectations in relation to the delivery of high quality digital infrastructure (paragraph 112).

Chapter 11 - Making effective use of land

- 2.41 The Framework continues to encourage the more intensive use of land and existing buildings where appropriate. The revised text reflects a number of proposals from the Housing White Paper, including making more intensive use of land and buildings (paragraph 118d-e), avoiding building at low densities in areas of high demand (paragraph 123) and being flexible to policies that would inhibit effective use, but consider carefully daylight and sunlight issues (paragraph 123c).
- 2.42 There is encouragement to making more effective use of empty space above shops (paragraph 118e), reallocating land where there is no reasonable prospect of an application for its allocated use (paragraph 120), making it easier to convert retail and employment land where housing would be a more effective use (paragraph 121), and bring in minimum density standards in centres and around transport hubs unless this would be inappropriate (paragraph 123).
- 2.43 Building on these changes, paragraph 123c also proposes that local planning authorities should refuse applications which they consider fail to make effective use of land, in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

Officer comments – As set out in previous responses to the Housing White Paper it is considered that Policy 11 of the Joint Core Strategy sets out a clear strategy for maximising the use of suitable land. Further encouragement of making more intensive use of land and existing buildings is welcomed and will reinforce support for the Councils housing regeneration programme and efforts to increase housing delivery through estate renewal.

Chapter 12 - Achieving well-designed places

- 2.44 Design related policies are grouped into one place and the revised NPPF moves the emphasis away from requiring good design to achieving well-designed places. There remains the expectation for plans to provide a clear vision and for design policies and

standards to be grounded on characteristics specific to a locality (paragraph 124). The revised NPPF includes design related objectives similar to the original NPPF with the inclusion of layout, density and 'effective' rather than 'appropriate' landscaping (paragraph 126). Design process and engagement remain important, but local planning authorities are now suggested to look at using tools such as Building for Life Assessments and design workshops (paragraph 128).

<p>Officer comments – Focus on place making and specific reference to Building for Life Assessments is welcomed and supports the Joint Core Strategy approach to place shaping, incorporating the principles of BfL 12 as well as work on the forthcoming Place Shaping SPD.</p>

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

- 2.45 The NPPF revisions make clear that policies should support measures to ensure future resilience of communities and infrastructure to climate change. It also brings in changes to considerations for wind energy developments to include consideration of community views. Clarification is provided that the cumulative impacts of flood risks should be considered, rather than just to or from individual development sites (paragraph 155) and the requirement to incorporate sustainable drainage systems in major developments has been included (paragraph 163).

Chapter 15 - Conserving and enhancing the natural environment

- 2.46 This chapter has been updated to align with DEFRA's 25 Year Environment Plan². A notable change is the removal of reference to 'avoiding net loss of biodiversity' and inclusion of 'minimising impacts and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures' (paragraph 168d). Furthermore, it now states that plans should take a strategic approach to strengthening existing networks of habitats and green infrastructure across local authority boundaries (paragraph 169) and take air quality fully into account (paragraph 180).
- 2.47 Paragraph 173c of the revised Framework strengthens protection for ancient woodland and other irreplaceable habitats, by making clear that development resulting in their loss or deterioration should be wholly exceptional, and maintains a high level of protection for individual aged or veteran trees found outside these areas.
- 2.48 For those few schemes where conservation and biodiversity is the primary objective, these should be "supported" (Paragraph 173d) rather than just "permitted", as previously indicated. A move away from 'preservation' to 'conservation' of ecological networks, priority habitats and species (Paragraph 172b) is indicated, accepting the dynamic nature of ecology and how it should be viewed.
- 2.49 A potentially significant change relates to loss or deterioration of irreplaceable habitats including, but not limited to, ancient woodland. The draft text states that schemes which result in such impacts to these habitats and features should be refused unless there are wholly exceptional reasons (such as for nationally significant infrastructure projects) and where a suitable mitigation strategy exists (Paragraph 173c and footnote 49). The wording also maintains a high level of protection for individual aged or veteran trees outside of ancient woodland.
- 2.50 Recognition has been given of the wider benefits from Natural Capital including from trees and woodland, giving greater backing to the retention and extension of tree cover within developments.

² Department for Environment, Food and Rural Affairs (January 2018) [A Green Future: Our 25 Year Plan to Improve the Environment](#)

- 2.51 A greater focus is given to development delivering “measurable net gains” for biodiversity (Paragraph 172b and 173d).
- 2.52 Paragraph 180 confirms that it is the applicant for a development who is responsible for mitigating the impact on their scheme of potential nuisance from existing development, such as live music venues and church bells.

Chapter 16 - Conserving and enhancing the historic environment

- 2.53 Heritage policies remain largely unchanged. The revised NPPF clarifies that World Heritage Sites are recognised internationally for their outstanding universal value (paragraph 182) and clarification is provided that when considering the impact of development on a designated heritage asset, great weight should be given to the asset’s conservation (paragraph 189).

Transitional Arrangements and Next Steps

- 2.54 The final NPPF is currently expected to be published before the parliamentary recess on 20th July 2018. There are limited transitional proposals and it is intended that the NPPF will come into effect for decision taking once it is published, whereas for plan-making, Local Planning Authorities will have a further six months.
- 2.55 Accompanying documentation published alongside the NPPF indicated that the government is also considering what further planning reforms could support the revised NPPF. These would be subject to the outcomes of the Sir Oliver Letwin’s review of build out and future consultation, and include a new permitted development right for upward extensions and different ways of bringing agricultural land forward for housing.

Supporting Housing Delivery through Developer Contributions

- 2.56 The Local Planning Authority often requires a legal agreement to accompany a planning approval to ensure the provisions of affordable housing, open space and other forms of on and off site contributions. The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning act 2008 as an alternative to Section 106 legal agreements. To encourage the transition to CIL the government imposed restrictions to the use of Section 106 legal agreements in 2010 that mean that at most there can be five contributions pooled for a project or type of infrastructure. Following extensive work and consultation, CIL has not been introduced in Corby Borough based on concerns that it was not a viable option. As such, the Council continues to use Section 106 legal agreements.
- 2.57 The government has acknowledged that improvements can be made to both the Section 106 and CIL process and is consulting on reforms. The Supporting Housing Delivery through Developer Contributions consultation document follows on from earlier announcement in the Autumn Budget 2017 and links into revisions to the NPPF.
- 2.58 The consultation document indicates the current proposals may be a transitional arrangement to reforming the current processes and therefore continues to hint at more systematic change in the future; potentially the setting of contributions to affordable housing and infrastructure being established at the national level, and to be non-negotiable. Members will be kept informed of any future reform proposals.
- 2.59 While such an approach may be some way off the current consultation makes a number of meaningful proposals to support the current system.

Setting CIL charging schedules

- 2.60 A local authority can only charge the CIL if it has adopted a charging schedule. The government proposes to streamline the existing CIL setting process by replacing the current statutory requirements for two rounds of consultation with a requirement to publish a statement on how the charging authority has sought an appropriate level of engagement. This would be considered by an Examiner through the CIL examination process.
- 2.61 It also proposes to streamline and simplify the rate setting process by allowing the same viability evidence to be used for plan making and setting CIL charging rates.

Officer comments – Government proposals to align evidence are well intended. However this is perhaps overly idealistic as the costs of development are often not known until the detail of a scheme proposed is tabled. Further, Local Plan Inspectors are not always able to consider the site specific viability issues on certain sites.

Section 106 pooling requirement

2.62 Significantly the government proposes to remove the current restriction on pooling Section 106 contributions, which prevents more than a limited number of contributions being put towards the same item of infrastructure. The consultation proposes that pooling restrictions will be removed in any of the following circumstances:

- Where the local authority has adopted CIL
- Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through Section 106 agreements.
- Where significant development is planned on several large strategic sites

Officer comments – Welcomed recognition that in some circumstances it would not be feasible to charge CIL and that restrictions on Section 106 should be lifted.

The situation of several strategic sites is not defined categorically and a number of options for how this should be measured are set out. These include:

- Where a set percentage of homes, set out in the plan, are delivered through a limited number of large strategic sites. For example, where a plan is reliant on ten sites or fewer to deliver 50% of their homes; or
- All planning obligations from a strategic site count as one planning obligation.

In respect of the current housing land supply in the Borough as demonstrated in recent evidence to support appeal hearings, 82% of identified housing land supply is expected to be delivered on only five key strategic sites. Against the total housing target of 9,200 dwellings this equates to over the example of 50% given in the consultation document.

If Corby Borough could be included in this exemption it would make the legal agreement process simpler taking away the complications of the 'pooling' restriction. Officers therefore support this option.

Operation of CIL and Section 106 agreements

2.63 CIL charges are currently indexed to the Building Cost Information Services (BCIS) All-In Tender Price Index. This reflects changes in contractor costs, and is used to account for changes in the costs of delivering infrastructure. However, house price inflation does not rise at the same rate as contractor costs. The government is, therefore, proposing changing the indexation provisions so CIL rates for residential developments are linked to house prices indexes and commercial development to the Consumer Price Index or some other appropriate measure.

2.64 Currently local authorities can set different CIL rates for different areas, and also different rates depending on the development type, but there is currently no scope for rates to be set based on differing existing land uses. The government wants to change this. The consultation introduces the concept of setting CIL rates based on the existing use of land as a result of consented development.

2.65 A further change being proposed relates to both CIL and Section 106 agreements. Currently under CIL there is a requirement to produce a Regulation 123 list; a list of projects that monies collected will be spent on. This will no longer be required by Regulation and will be

replaced by a requirement to produce an 'Infrastructure Funding Statement'. This will explain how CIL and Section 106 contributions over the next five years will be prioritised.

- 2.66 The consultation also seeks view on allowing local planning authorities to seek a sum as part of Section 106 agreement for monitoring planning obligations.

Officer comments – Concern that indexation of CIL rates to reflect housing price inflation rather than build costs could lead to a reduction in CIL during an economic downturn.

Welcome the concept of setting of CIL rates based on the existing use of land as a result of consented development change because this will allow local authorities to capture an amount which better represents the infrastructure needs and the value generated through planning permissions.

Infrastructure Funding Statements will improve clarity and improve communication to local communities. Officers therefore support this proposal.

Officers support the ability to seek a contribution for monitoring Section 106 agreements.

Introducing a Strategic Infrastructure Tariff

- 2.67 Allowing combined authorities or joint committees with strategic planning powers to set Strategic Infrastructure Tariff in order to fund strategic infrastructure projects.

Officer comments – This will increase the flexibility of the developer contribution system and potentially support cross boundary planning to encourage the delivery of strategic infrastructure. .

3. Issues to be taken into account:-

Policy Priorities

The NPPF and reforms to the developer contributions system, once approved, will be very influential in day to day decisions on planning applications and in the way that the Council prepares planning policy.

Financial

The local government finance settlement technical consultation in September 2017 on New Homes Bonus revisions set out that the government intends to go further in 2019-20. This could include linking payment of the bonus to the housing delivery test or the standard methodology for assessing local housing need. The Ministry of Housing, Communities and Local Government will consult on any further changes to the bonus before proposed implementation in 2019-20.

Legal

As this is a consultation response there are no direct legal implications at this time.

Human Rights, Community Safety, Equalities, Sustainability and Best Value

None directly linked to this report

Risks

There are no risks associated with this report.

4. Recommendation

- 4.1 It is recommended that Members consider the issues raised in the report; discuss any additional comments to be included within the consultation response; and agree that the final consultation response be delegated to the Planning Manager and Chair of this Committee.

Background Papers

Local Plan Committee, 26th April 2017 <https://www.corby.gov.uk/White Paper.pdf>

Local Plan Committee, 18th October 2017 [https://www.corby.gov.uk/Planning for the right homes in the right places.pdf](https://www.corby.gov.uk/Planning_for_the_right_homes_in_the_right_places.pdf)

North Northamptonshire Joint Planning Committee, 7th November 2017
<https://cmis.northamptonshire.gov.uk/planningfortherighthomesintherightplaces>

North Northamptonshire Joint Planning Committee, 27th April 2017
<https://cmis.northamptonshire.gov.uk/housingwhitepaper>

Department for Communities and Local Government, September 2017, [The 2018-19 Local Government Finance Settlement – Technical Consultation Paper](#)

Consultations

None

Officers to Contact

Terry Begley

Principal Planner Local Plans Ext 3185.

National Planning Policy Framework

- Q1 Do you have any comments on the text of Chapter 1?
- Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?
- Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the NPPF?
- Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?
- Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?
- Q6 Do you have any other comments on the text of Chapter 3?
- Q7 The revised draft Framework expects all viability assessments to be made publically available. Are there any circumstances where this would be problematic?
- Q8 Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?
- Q9 What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large multi-phased development?
- Q10 Do you have any comments on the text of Chapter 4?
- Q11 What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sizes sites?
- Q12 Do you agree with the application of the presumption in favour of development where delivery is below 75% of the housing required from 2020?
- Q13 Do you agree with the new policy on exception sites for entry-level homes?
- Q14 Do you have any other comments on the text of Chapter 5?
- Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?
- Q16 Do you have any other comments on the text of Chapter 6?
- Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?
- Q18 Do you have any other comments on the text of Chapter 7?
- Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?
- Q20 Do you have any other comments on the text of Chapter 8?
- Q21 Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?
- Q22 Do you agree with the policy change that recognises the importance of general aviation facilities?
- Q23 Do you have any other comments on the text of Chapter 9?
- Q24 Do you have any other comments on the text of Chapter 10?
- Q25 Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?
- Q26 Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

- Q27 Do you have any other comments on the text of Chapter 11?
- Q28 Do you have any comments on the changes to policy in Chapter 12 that have not already been consulted on?
- Q29 Do you have any other comments on the text of Chapter 12?
- Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?
- Q31 Do you have any other comments on the text of Chapter 13?
- Q32 Do you have any other comments on the text of Chapter 14?
- Q33 Does paragraph 149b need any further amendments to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?
- Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?
- Q35 Do you have any other comments on the text of Chapter 15?
- Q36 Do you have any other comments on the text of Chapter 16?
- Q37 Do you have any comments on the changes of policy in Chapter 17, or any other aspects of the text in this chapter?
- Q38 Do you think that planning policy on minerals would be better contained in a separate document?
- Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?
- Q40 Do you agree with the proposed transitional arrangements?
- Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?
- Q42 Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?
- Q43 Do you have any comments on the glossary?

Supporting Housing Delivery through Developer Contributions

Question 1

Do you agree with the Government's proposals to set out that:

- i. Evidence of local infrastructure need for CIL-setting purposes can be the same infrastructure planning and viability evidence produced for plan making? **Yes/No**
- ii. Evidence of a funding gap significantly greater than anticipated CIL income is likely to be sufficient as evidence of infrastructure need? **Yes/No**
- iii. Where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL – for instance, assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence? **Yes/No**

Question 2

Are there any factors that the Government should take into account when implementing proposals to align the evidence for CIL charging schedules and plan making?

Question 3

Do you agree with the Government's proposal to replace the current statutory consultation requirements with a requirement on the charging authority to publish a statement on how it has sought an appropriate level of engagement? **Yes/No**

Question 4

Do you have views on how guidance can ensure that consultation is proportionate to the scale of any charge being introduced or amended?

Question 5

Do you agree with the Government's proposal to allow local authorities to pool section 106 planning obligations:

- i. Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106? **Yes/No**
- ii. Where significant development is planned on several large strategic sites? **Yes/No**

Question 6

- i. Do you agree that, if the pooling restriction is to be lifted where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106, this should be measures based on the tenth percentile of average new build house prices? **Yes/No**
- ii. What comments, if any, do you have on how the restriction is lifted in areas where CIL is not feasible, or in national parks?

Question 7

Do you believe that, if lifting the pooling restriction where significant development is planned on several large strategic sites, this should be based on either:

- i. a set percentage of homes, set out in a plan, are being delivered through a limited number of strategic sites; or
- ii. all planning obligations from a strategic site count as one planning obligation?

Question 8

What factors should the Government take into account when defining 'strategic sites' for the purposes of lifting the pooling restriction?

Question 9

What further comments, if any, do you have on how pooling restrictions should be lifted?

Question 10

Do you agree with the Government's proposal to introduce a 2 month grace period for developers to submit a Commencement Notice in relation to exempted development? **Yes/No**

Question 11

If introducing a grace period, what other factors, such as a small penalty for submitting a Commencement Notice during the grace period, should the Government take into account?

Question 12

How else can the Government seek to take a more proportionate approach to administering exemptions?

Question 13

Do you agree that Government should amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development? **Yes/No**

Question 14

Are there any particular factors the Government should take into account in allowing abatement for phased planning permissions secured before introduction of CIL?

Question 15

Do you agree that Government should amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force to align with the approach taken in the recently amended CIL regulations?

Question 16

Do you agree with the Government's proposal to allow local authorities to set differential CIL rates based on the existing use of land? **Yes/No**

Question 17

If implementing this proposal do you agree that the Government should:

- i. encourage authorities to set a single CIL rate for strategic sites? **Yes/No**
- ii. for sites with multiple existing uses, set out that CIL liabilities should be calculated on the basis of the majority existing use for small sites? **Yes/No**
- iii. set out that, for other sites, CIL liabilities should be calculated on the basis of the majority existing use where 80% or more of the site is in a single existing use? **Yes/No**
- iv. What comments, if any, do you have on using a threshold of 80% or more of a site being in a single existing use, to determine where CIL liabilities should be calculated on the basis of the majority existing use?

Question 18

What further comments, if any, do you have on how CIL should operate on sites with multiple existing uses, including the avoidance of gaming?

Question 19

Do you have a preference between CIL rates for residential development being indexed to either:

- a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; or
- b) The change in local authority-level house price indexation on an annual basis

Question 20

Do you agree with the Government's proposal to index CIL to a different metric for non-residential development? **Yes/No**

Question 21

If yes, do you believe that indexation for non-residential development should be based on:

- i. the Consumer Prices Index? **Yes/No**
- ii. a combined proportion of the House Price Index and Consumer Prices Index? **Yes/No**

Question 22

What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?

Question 23

Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?

Question 24

Do you agree with the Government's proposal to:

- i. remove the restrictions in regulation 123, and regulation 123 lists? **Yes/No**
- ii. introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement? **Yes/No**

Question 25

What details should the Government require or encourage Infrastructure Funding Statements to include?

Question 26

What views do you have on whether local planning authorities may need to seek a sum as part of section 106 planning obligations for monitoring planning obligations? Any views on potential impacts would also be welcomed.

Question 27

Do you agree that combined authorities and joint committees with strategic planning powers should be given the ability to charge a SIT? **Yes/No**

Question 28

Do you agree with the proposed definition of strategic infrastructure? **Yes/No**

Question 29

Do you have any further comments on the definition of strategic infrastructure?

Question 30

Do you agree that a proportion of funding raised through SIT could be used to fund local infrastructure priorities that mitigate the impacts of strategic infrastructure? **Yes/No**

Question 31

If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?

Question 32

Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority? **Yes/No**

Question 33

Do you agree that the local authority should be able to keep up to 4% of the SIT receipts to cover the administrative costs of collecting the SIT? **Yes/No**

Question 34

Do you have any comments on the other technical clarifications to CIL?