

# HILLINGDON'S RESPONSE TO THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK AND DEVELOPER CONTRIBUTION REFORMS

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<b>Cabinet Portfolio</b>	Cabinet Member for Planning, Transportation and Recycling
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<b>Papers with report</b>	<p>Appendix A: Proposed response to the National Planning Policy Framework draft text for consultation.</p> <p>Appendix B: Proposed response to the Reforming Developer Contributions to Affordable Housing and Infrastructure Document for consultation.</p>

## HEADLINES

<b>Summary</b>	<p>The National Planning Policy Framework (NPPF) was first published in 2012 and sets out the Government's planning policies for England. Consultation documents containing changes to the NPPF were published in March 2018. Alongside the NPPF, changes are also being proposed to the developer contributions system, which impact affordable housing and infrastructure. This report explains the proposed changes to both the NPPF and the developer contributions system and sets out the Council's proposed responses.</p>
<b>Putting our Residents First</b>	<p>This report supports the Council objectives of: Our People; Our Built Environment; Our Natural Environment; Our Heritage and Civic Pride. The National Planning Policy Framework aligns closely with the Local Plan Part 2, which in turn reflects the Council's Sustainable Community Strategy and its objectives, including maintaining the Borough's local heritage and to ensure it and the natural environment are protected and enhanced.</p>
<b>Financial Cost</b>	<p>The cost of preparing the proposed response can be met from existing revenue budgets.</p>
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services
<b>Relevant Ward(s)</b>	All Wards

## RECOMMENDATIONS

### **That the Cabinet:**

- 1. Notes the content of the consultation documents and the proposed responses attached at Appendices A and B of this report.**
- 2. Grants delegated authority to the Deputy Chief Executive and Corporate Director of Residents Services to agree the final responses, in conjunction with the Leader of the Council and Cabinet Member for Planning, Transportation and Recycling.**

### **Reasons for recommendation**

The National Planning Policy Framework (NPPF) was first published in 2012 and sets out a framework of planning guidance for England. Separate guidance is available for Scotland and Wales. The document covers all aspects of planning and includes chapters on ensuring the vitality of town centres, promoting sustainable transport, delivering a wide choice of high quality homes and protecting Green Belt land. Whilst it is not part of the Development Plan for Hillingdon, the NPPF has significant weight in planning decisions.

The proposed reforms to the system of developer contributions will have an impact on how the Council can obtain financial contributions from developers, which are required to mitigate the impacts of growth and provide the required infrastructure for new developments. Specifically, the reforms will alter how the Council can implement and review its Community Infrastructure Levy (CIL) and Section 106 planning obligations.

It is critical that the Council provides a detailed response to both documents, to ensure the interests of residents are fully represented.

### **Alternative options considered / risk management**

- *That the Council should not submit a response to the draft documents.*

In this instance, the Council's views would not be reflected in the final version of the NPPF, which is expected to be adopted in the Summer of 2018, or the reforms to the developer contributions system.

- *Agree the submission of the proposed response, with amendments*

Any amendments to the proposed response could be agreed through discussions with the Deputy Chief Executive and Corporate Director of Residents Services and the Cabinet Member for Planning, Transportation and Recycling.

### **Democratic compliance / previous authority**

Responses to national planning policy consultations ordinarily require Cabinet approval, as set out in the Cabinet Scheme of Delegations.

## Policy Overview Committee comments

None at this stage.

## SUPPORTING INFORMATION

### Background

1. The National Planning Policy Framework (NPPF) draft text for consultation was published on Monday 5<sup>th</sup> March 2018 alongside the following associated documents:

i) Draft Planning Practice Guidance: This document provides more detailed guidance to interpret a number of specific aspects of the draft NPPF relating to Viability, Housing Delivery, Local Housing Need Assessment, Neighbourhood Plans, Plan making and Build to Rent proposals.

ii) Housing Delivery Test - draft measurement rulebook: In essence, this document sets out how housing delivery should be measured. Where local authorities have a Local Plan that is less than 5 years old, the measure of the housing need (or the housing target) should be the Council's housing need figure, or the Local Plan target, whichever is smaller. Where the Local Plan is more than 5 years old, housing delivery should be measured against the defined Objectively Assessed Need (OAN) for housing.

2. The consultation period for the NPPF runs through until Thursday 10<sup>th</sup> May 2018. The consultation process focuses on the proposed changes to the current 2012 version of the NPPF, which is summarised in the 'Consultation Proposals' Document. This report focuses on the changes, rather than the content of the draft NPPF as a whole.

3. The draft document requests responses to a series of specific questions in relation to the proposed changes, which are summarised in this report.

4. The draft NPPF brings together proposals that has been previously consulted on in other documents, through:

- **National Planning Policy: consultation on proposed changes (December 2015):** This provided the government's response to the consultation on a draft policy document which sought views on proposed changes to national planning policy.
- **The Housing White Paper (February 2017):** The proposals in this White Paper set out how the Government intends to boost housing supply and, over the long term, create a more efficient housing market whose outcomes more closely match the needs and aspirations of all households and which supports wider economic prosperity.
- **Planning and Affordable Housing for Build to Rent - a consultation paper:** This document sets out the summary statistical responses to the recent government consultation on planning and affordable housing for Build to Rent, which sought views on planning measures to support an increase in Build to Rent schemes across England.
- **Planning for the right homes in the right places: consultation proposals (September 2017):** A further consultation document which seeks to increase housing delivery.

5. Alongside the proposed changes to the NPPF, the Government is also consulting on proposed reforms to the system of developer contributions. This document covers the following areas:

- **Community Infrastructure Levy (CIL)**
- **Section 106 Planning Obligations**
- **Strategic Infrastructure Tariff (SIT)**
- **Technical Clarifications to Regulations**

6. Like the NPPF, the consultation was published on Monday 5<sup>th</sup> March and runs through until Thursday 10<sup>th</sup> May 2018.

## **The National Planning Policy Framework: Consultation Proposals**

### **Chapter 1: Introduction**

5. Chapter 1 introduces the document and notes the key pieces of legislation that have influenced the emerging draft. Specifically, paragraph 6 clarifies that the endorsed recommendations of the National Infrastructure Commission may be material when preparing plans or determining planning applications.

#### Summary of proposed Council response

#### ***Q1: Do you have any comments on the text of Chapter 1?***

6. Written Ministerial Statements can cover a wide range of topics and potential projects and can be entirely for political gain. For example, the Secretary of State for Transport has made a succession of Written Statements about Heathrow Airport expansion that range from positive support to general consideration. Until these statements work their way through a democratic process and result in adopted policies then they should carry no weight.

7. Similarly, recommendations by the National Infrastructure Commission should only be material once they relate to a completed process or project identified through a democratic planning process.

### **Chapter 2: Achieving Sustainable development**

8. The current version of the NPPF contains a presumption in favour of sustainable development. For the production of Local Plans, this means that the local planning authorities should plan positively to meet the development needs in their area and meet identified objectively assessed needs for housing, unless there are specific circumstances for not doing so. Likewise, planning decisions should be made in accordance with the Local Plan without delay. Where there is not a specific policy to guide planning decisions, permission should be granted, unless there are adverse impacts that would significantly outweigh the benefits, or specific policies in the framework indicate that development should be restricted.

9. The key change proposed in the consultation draft in relation to the presumption in favour of sustainable development is that strategic plans should, as a minimum, provide for objectively assessed needs for housing and other development, as well as any other needs that cannot be

met within neighbouring areas. This is a significant change because it requires local authorities to accommodate outstanding needs in adjoining districts and boroughs.

10. Paragraphs 8-10 of the document have been amended to clarify the meaning of sustainable development for the purposes of the presumption in favour of sustainable development. In essence, this incorporates economic, social and environmental objectives.

#### Summary of proposed Council response

#### ***Q2. Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?***

11. The Council is broadly supportive of the clarification related to sustainable development objectives. There is, however, a concern regarding the proposals to accommodate need from neighbouring areas. It is unclear how this would be apportioned out and should only be implemented in exceptional circumstances, as a last resort. Further guidance is required on how this proposal would work.

12. The presumption in favour of sustainable development states that objectively assessed needs should be met, unless policies indicate a strong case for restricting development. The policy reasons for restricting development in this way are defined and include the presence of nationally significant nature conservation and landscape designations. It is considered that this list should be expanded to include locally specific reasons identified by evidence base documents, such as the presence of employment land, to meet identified needs.

#### ***Q3. Do you agree that the core principles section should be deleted given its content has been retained and moved to other parts of the Framework?***

13. The Council does not have any specific comments on this question at this stage.

#### ***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?***

14. The provisions of paragraph 10 relating to neighbourhood plans are generally supported.

### **Chapter 3: Plan Making**

15. The chapter on Plan Making contains a number of requirements which were established through the Housing White Paper. These are:

- A new plan making framework which includes strategic priorities that local authorities should consider during the plan making process. These include matters related to the overall strategy for the pattern and scale of development, the homes and workplaces needed including affordable housing, infrastructure, community facilities and climate change.
- Amendments to the tests of soundness for new Local Plans. Councils are required to demonstrate that the plan represents **an** appropriate strategy, rather than **the most** appropriate strategy for a local authority area.
- A new requirement for authorities to review Local Plan policies every five years following the date of adoption to reflect changing circumstances.

- Changes to the evidence requirements which are necessary to support a sound plan. Evidence is expected to be proportionate, relevant and up to date, focusing only on justifying the policies concerned.
16. In addition, changes that are contained in the 'Planning for the right homes in the right places' consultation are also reflected in the document. These include:
- Preparation of a Statement of Common Ground in the plan making process to demonstrate that the Duty to-co-operate has been met.
  - Changing the tests of soundness to encourage joint working between authorities.
  - Additional tests of soundness where plans should be clear on the contributions expected in association with development. This will help to ensure that developer contributions identified through plans are deliverable.
17. The tests of soundness should emphasise the role of plans in meeting objectively assessed housing needs.

#### Summary of proposed Council response

#### ***Q5. Do you agree with the further changes proposed in relation to the tests of soundness and to the other changes of policy in this chapter that have already been consulted on?***

18. The Council notes the increased emphasis on meeting objectively assessed need for housing within the test of soundness. This principle is already well established in the current NPPF and it is not considered that further amendments as proposed will increase the delivery of housing.

19. It is important to recognise that for the most part, local authorities can only identify sites and grant planning consent for residential development. It is up to developers to actually build the housing and in many cases, sites are not brought forward in a timely manner. The tests of soundness should therefore be for local authorities to demonstrate a sufficient supply of land, either through pipeline planning consent or specific site allocations, to meet objectively assessed need.

#### ***Q6. Do you have any other comments on the text in chapter 3?***

20. The Council does not have any further specific comments to make at this stage.

### **Chapter 4: Decision taking**

21. The chapter on Decision Taking relates primarily to making decisions on planning applications. For the most part, the proposed changes to the current version of the NPPF are those made by recent legislation, such as the Government's Housing White Paper. The changes to the current version of the document are set out in the following paragraphs.

22. In relation to development viability, the document notes that proposals that meet all the relevant criteria in the plan, such as those related to affordable housing requirements, will not be required to submit a viability assessment to accompany a planning application. Where viability assessments are required, they should broadly follow the framework set out in the Government's recommended approach, which is published alongside the framework. In particular, this states that plans can set out when and how review mechanisms can be used to

trigger a review of developer contributions, that may signal additional need for viability assessments.

23. In addition to viability, the document sets out new guidance on the weight that should be given to emerging policy documents in planning decisions.

#### Summary of proposed Council response

***Q7: The revised draft Framework expects all viability assessments to be made publicly available. Are there circumstances where this would be problematic?***

24. The Council supports transparency in the viability process and a requirement to publish viability assessments. The Council supports transparency in the viability process and the requirement to publish Financial Viability Appraisals (FVAs). Genuinely commercially sensitive information is sometimes incorporated within FVA's and therefore the ability to redact parts of the FVA must be available. Such commercially sensitive information will include contingencies to deal with right to light claims

***Q8: Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessments to accompany planning applications would be acceptable?***

25. The Council is of the view that the requirement for financial viability assessments is already sufficiently set out in the London Plan.

***Q9: What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of large or multi-phase development?***

26. This issue is already addressed through the London Plan. At this stage, the Council has no further specific comment to make on this question.

***Q10: Do you have any comments on the text of Chapter 4?***

27. Whilst the increased emphasis on housing delivery from developers is welcomed, there is a concern that it could encourage developers to ignore other planning considerations.

### **Chapter 5: Delivering a wide choice of high quality homes**

28. This section of the draft document reflects the changes that have already been introduced through the Housing White Paper and the consultation document Planning for the right homes in the right places. The changes include introducing a new 'three step' approach to calculating housing need:

- A projection in the number of households in the borough over a ten year period, based on ONS data.
- An adjustment to housing need is then made based on the ratio of house prices to earnings. A one per cent increase in the ratio of house prices to earnings results in a quarter of a per cent increase in the need above predicted housing growth.
- The level of increase is capped according to the status of the Local Plan.

29. For authorities with a local plan adopted in the last five years, a cap of 40 per cent above the annual requirement set in the local plan is proposed. For authorities that don't have an up-

to-date local plan, the cap is 40 per cent above whichever is higher of the projected household growth for their area over the plan period or the annual housing requirement in their Local Plan.

30. Other proposed amendments in this chapter are based on proposals put forward in the Written Ministerial Statement on affordable housing contributions, the Planning and Affordable Housing for Build to Rent consultation and the Housing White Paper:

- At least 10% of homes on major sites should be for affordable home ownership.
- Local authorities should provide a housing requirement figure for designated neighbourhood areas.
- A need for clear policies to address groups with particular needs, such as students and travellers.
- Proposed greater use of small sites to meet housing needs on the basis that these can be built out quickly. The draft text proposes that 20% of sites allocated for housing should be <0.5 hectares.

#### Summary of proposed Council response

***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 sites?***

31. The Council does not support the inclusion of a specific target for small sites. A 'one size fits all' approach to this matter is unhelpful and authorities should be allowed to decide how best to meet needs according to local circumstances. Some authorities will meet the majority of needs from large sites, others will have a greater reliance on small sites.

32. The need for clear policies to address groups with specific needs is broadly supported, although this should only be where other policies in the plan do not meet these needs.

***Q12. Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?***

34. Officers are of the view that local authorities should not be penalised for the applicants' failure to implement permissions and build out developments in a timely manner. For the most part, it is in the interest of local planning authorities to identify sufficient sites to meet housing requirements or to seek to meet these needs through other means, such as the Duty to Co-operate. To revert to the objectively assessed need for housing where targets are not being met is likely to make a bad situation worse. It will lead to uncontrolled housing development and the loss of sites by default that would not normally be granted planning consent.

35. The proposed approach could well result in the opposite of what is intended, i.e. developers holding on to brownfield sites in order to force the release of Greenfield land. Instead of focusing on delivery, local authorities should be encouraged and supported to fulfil their role in the housing delivery process, which is identifying sufficient sites to meet housing needs.



***Q13: Do you agree with the new policy on exception sites for entry level homes?***

36. The policy proposes allowing entry level affordable housing in unsustainable areas that would normally be deemed inappropriate for residential development and thus is opposed.

***Q14: Do you have any other comments on the text of Chapter 5?***

37. More emphasis should be placed on the delivery of family homes. In addition, local authorities have limited scope to influence the cause of housing under-delivery and should not be penalised for this.

**Chapter 6: Building a strong, competitive economy**

38. Proposed changes to the document include an increased emphasis on supporting business growth, to reflect the Government's industrial strategy. In addition, the rural section has been brought within this chapter, with a new proposal to accommodate sites for local businesses and community needs outside of local settlements.

Summary of proposed Council response

***Q15: Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local businesses and community needs in rural areas?***

39. The draft document notes that significant weight should be placed on the need to support economic growth and productivity and that this is particularly important where Britain can be a global leader in innovation. Whilst a number of criteria are set for planning policies related to economic matters, it is important to note that the economic aspects of planning are as important as meeting housing needs. This is not reflected in the amount of coverage given to economic policy, in comparison to housing matters.

40. The Council is concerned that some of the guidance in this section could be interpreted as supporting development in the Green Belt. It is important for the Government to cross reference this section with Green Belt policy, in order to avoid any confusion on this point.

41. The requirement to produce an economic strategy and vision is welcomed and local authorities need to have the flexibility to develop this in a way that best reflects their circumstances and requirements.

***Q16: Do you have any other comments on the text of chapter 6?***

42. The Council does not have any further specific comments to make at this stage.

**Chapter 7: Ensuring the vitality of town centres**

43. The draft NPPF notes that policies related to town centre needs on matters such as the growth of retail uses should look at least 10 years ahead and town centre boundaries should be kept under review to ensure they remain relevant. The policy on planning applications has also been amended, so that out of town centre sites should only be considered for retail development if suitable town centre or edge of centre sites are not expected to become available in a reasonable period. This clarifies that suitable town centre sites do not have to become available immediately in order to avoid prejudicing town centre or edge of centre sites that are in the pipeline.

44. The requirement to subject office development proposals outside of town centres to an impact assessment has also been removed, where development is over a certain floor space threshold. Office development outside of established town centres will therefore only be subject to sequential test procedures, whereby proposals need to demonstrate that no suitable town centre or edge of centre sites are available to meet the applicant's needs.

***Q17: Do you agree with the proposed changes on planning for identified retail needs and considering planning applications for town centre uses?***

45. Officers are broadly supportive of the proposed 'town centre first' approach for uses such as retail, office and leisure facilities. The Council supports the proposal to strengthen the case to accommodate these uses in town centres. There are no specific comments on the strategy regarding office development.

***Q18. Do you have any other comments on the text of Chapter 7?***

46. The Council does not have any further comments to make at this stage.

### **Chapter 8: Promoting healthy and safe communities**

47. This chapter reflects the social and economic benefits of estate regeneration. It also notes that Local Authorities should help to deliver estate regeneration to a high standard. In addition, the draft document gives recognition to the role of planning in promoting healthy lifestyles and introduces new ways that planning can help to counter malicious threats, especially in crowded places. These measures include the layout and design of development to reduce potential threats and the resilience of places. It also relates to supporting development required for operational defence purposes.

#### Summary of proposed Council response

***Q19: Do you have any comments on the new policies in chapter 8 that have not already been commented on?***

***Q20: Do you have any other comments on the text of chapter 8?***

48. The Council is broadly supportive of these proposals, so long as they do not result in any adverse environmental impacts.

### **Chapter 9: Promoting sustainable transport**

49. The chapter has been substantially revised from the guidance on transport in the current NPPF. First and foremost, the new provisions reflect the Ministerial Statement dated 25<sup>th</sup> March 2018 related to car parking. This defines the factors that should be taken into account when setting parking standards for residential and non residential development, which include:

- The accessibility of the development;
- The type, mix and use of development;
- The availability of and opportunities for public transport;
- Local car ownership levels; and
- The need to ensure an adequate provision of spaces for charging plug-in and other ultra low emission vehicles.

50. Maximum standards should only be set where there is a clear and compelling justification for doing so - that they are necessary for managing the local road network. In town centres, local authorities should seek to improve the quality of parking, so that it is safe and convenient. Paragraph 105f relates to maintaining a national network of aviation facilities. This states that planning policies should recognise the importance of maintaining a national network of general aviation facilities, taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy.

51. The policy on assessing transport proposals has been amended to refer to a need to demonstrate highway safety, as well as addressing capacity and congestion, in order to clarify that designs should prioritise pedestrian and cycle movements.

#### Summary of proposed Council response

***Q21: Do you agree with the changes to the transport chapter that point to the way that all aspects of the transport should be considered, both in planning for transport and assessing transport impacts?***

52. The Council generally supports a holistic approach to transport assessment that takes account of and considers all aspects of transport provision. With this in mind however, local authorities should be given the flexibility to set their own parking standards. The Council generally supports the proposed provisions relating to maximum parking standards. It should be noted that the current draft London Plan proposes stringent maximum standards, which are unsuitable for an outer London borough like Hillingdon. The Council has submitted a robust response to the GLA on these points.

***Q22: Do you agree with the policy change that recognises the importance of aviation facilities?***

53. Paragraph 105 (point e) of the draft states that planning policies should "*provide for any large scale facilities, and the infrastructure to support their operation and growth*". The text refers to taking into account any relevant national policy statements (NPS) and specifically refers to airports.

54. The current draft airports NPS supports the expansion of Heathrow Airport. The current drafting of the NPPF implies, therefore, that Heathrow expansion is the type of nationally significant infrastructure that would need to be given weight in plan making. The Council are of the firm opinion that the draft Airports NPS is not fit for purpose and therefore cannot carry any such weight. There is a fundamental problem with giving credence to a project that has not been advanced in sufficient detail or to an NPS that fails to provide the sufficient detail.

55. For example, should the Airports NPS be adopted in its current state, then, notwithstanding any legal challenge, the Council would still be unable to attribute weight to it in plan making. The Airports NPS itself gives support for expansion at Heathrow via a north-west runway and claims it would also deliver a vast array of growth. However, it makes no attempt to quantify this growth or identify the geographical spread. In addition, to name just a few constraints to effective plan making, the NPS does not identify any development boundaries, specify flight paths, solve transport problems and identify ancillary land uses.

56. More simply put, should the NPPF stand as drafted the Council would be in the position to have to consider land allocations, policies and growth when it does not know a) where the

runway will go, b) where roads will go, c) where the most noisy areas will be, d) whether air quality will still exceed legal limits, e) how many extra houses will need to be accommodated, f) which schools will be lost or made redundant by noise and therefore where these can be relocated, g) whether there is sufficient green space left to meet amenity and green space requirements and so on. It is also known that the Lakeside Energy from Waste plant will be lost requiring the Council to reconsider its waste strategy without a suitable alternative because the NPS makes no allowance for it all. In short, there are a significant number of unanswered questions which undermines the basic premise of the Airports NPS.

57. Ultimately, it is impossible for the Council to make an allowance in its planning policies for expansion of Heathrow with so little meaningful detail. Consequently, the only option for the Council would be to await the omissions identified above. This would result in a scenario whereby a detailed planning application is driving the strategic planning of the Council. This is wholly irrational.

58. The Council's clear position from a strategic planning perspective is that it will only be able to consider the implications of important infrastructure where it has been advanced to a suitable state and degree. The Council therefore strongly objects to the proposal that has been advanced as part of the draft NPPF which makes ill-thought through infrastructure schemes a material consideration for plan and policy making.

59. Paragraph f) makes specific reference to the Government's General Aviation Strategy. The General Aviation (GA) Strategy states:

*"MoD policy is to encourage the civilian sector, including GA, to have access to military airfields wherever possible".*

60. The London Borough of Hillingdon is home to RAF Northolt, an MOD base which includes a commercial operation at specified times. In 2013, the Base received permission from Central Government to increase their commercial flights from a self-imposed maximum of 7,000 flights a year to 12,000 flights a year. This decision was made by Central Government and is not a decision the Council had any control or influence over. As RAF Northolt operates in an urban environment with residential areas in close proximity, the Council has received a number of complaints from residents concerned about more noise, more flights and more traffic accessing the airfield. The Council would therefore suggest that the wording of para 105 f) is changed to include the underlined text:

*recognise the importance of maintaining a national network of general aviation facilities - taking into account their economic value in serving business, leisure, training and emergency service needs whilst also assessing their environmental impact and putting in place mitigation measures to address these*

#### **Q23: Do you have you have any other comments on the text of Chapter 9?**

61. The Council has no further comment to make in relation to this question at this stage.

#### **Chapter 10: Supporting high quality communications**

62. The draft NPPF sets out high expectations in relation to digital infrastructure, including the next generation of mobile technology.

## Summary of proposed Council response

### ***Q24: Do you have any comments on Chapter 10?***

63. The objective to maximise the use of high quality communications is broadly supported. However, the use of existing masts for mobile communication equipment should be maximised.

## **Chapter 11: Making effective use of land**

64. This chapter combines existing provisions from the Housing White Paper. The proposals include an expectation that plans will have a clear strategy for using land. Planning policies should seek to meet objectively assessed needs in a way which makes the best possible use of previously developed land. The draft proposes making more intensive use of existing land and buildings by:

- Encouraging multiple benefits from urban and rural land.
- Recognising that some undeveloped land can perform multiple functions, such as for wildlife, recreation and flood risk mitigation.
- Giving substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- Promoting and supporting the development of under-utilised buildings, especially if this would help to meet identified needs for housing.
- Supporting opportunities for the use of airspace above existing residential and commercial premises for new homes.

65. In addition to the above, the 2017 budget made provision for making more land available for housing, especially in areas of high demand. The proposals included:

- Making more effective use of empty space above shops.
- Reallocating land where there is no reasonable prospect of an application coming forward for the allocated use.
- Making it easier to convert retail and employment uses for housing.
- Expecting minimum density standards to be used in town and city centres, especially around transport hubs.

## Summary of proposed Council response

### ***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 exiting use?***

66. In some cases, it is necessary to allocate under-utilised land to meet future identified needs, such as employment related uses for future job creation. These uses can take many years to come forward and it is important that local authorities retain the ability to protect these sites for their intended use. Greater recognition also needs to be given to the provision of local infrastructure, particularly community based infrastructure, to support housing development.

***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?***

67. The draft London Plan has removed proposals for density standards on the basis that they were rarely being met. Officers are of the view that a preferable approach would be to encourage local authorities to adopt suitable higher densities around town centres that reflect local character. These proposals may be supplemented by the use of local design guides or character area appraisals to avoid development that ignores all other considerations.

***Q27: Do you have any comments on the text of chapter 11?***

68. The development of airspace between properties and the vertical extension of houses will have a significant impact on local character and setting. The Council is concerned that in existing low-density locations, significant harm could be caused to cherished street scenes. The additional requirement to monitor the development of sites will also have a significant impact on Council resources. There are no further comments to make on the content of this chapter at this stage.

### **Chapter 12: Achieving well designed places**

69. The draft document notes that emerging plans should, at the most appropriate level, set out a clear design vision and expectation for the area. Specific emphasis is placed on the importance of pre-application discussions to secure good design. Revisions are also proposed to note that 'outstanding or innovative designs' should be given great weight when they are not in conflict with local policies.

#### Summary of proposed Council response

***Q28: Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?***

***Q29: Do you have any other comments on the text of chapter 12?***

69. It is important that local authorities retain the flexibility to determine what constitutes good design in their borough, through the production of appropriate design guidance. The focus on the formation of community-led plans will result in lower densities and concerns relating to the delivery and need for local infrastructure to support new development. Similarly, the focus on the production of supplementary planning documents to deliver good design will have significant resource implications for the Council. At this stage, there are no further comments to make on this policy.

### **Chapter 13: Protecting the Green Belt**

70. The draft document maintains the strong protection for Green Belt land and the stringent tests that need to be met in order to justify its release. Before seeking the release of the Green Belt land through the development plan process, local authorities should conclude that they have explored all other reasonable options for meeting the needs of new development. This should be assessed in terms of whether the proposed plan:

- Makes as much use as possible of suitable brownfield sites and under-utilised land;

- Optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through a Statement of Common Ground.

71. The Housing White Paper also proposed a number of other changes to Green Belt policies which have been incorporated into the document:

- Makes clear that neighbourhood plans may amend detailed Green Belt boundaries, once the need for a Green Belt change has been demonstrated;
- Expect policies to set out how the impact of removing land from the Green Belt can be offset; and
- Provide that facilities for existing cemeteries and development brought forward under a Neighbourhood Development Order, should not be regarded as inappropriate development.

72. In addition to the above, text has been incorporated which proposes that brownfield land in the Green Belt can be used for affordable housing, where there is no impact on openness. Current policy allows the construction of buildings in the Green Belt that are associated with sport and cemeteries, but does not allow changes of use for such purposes. Under the new proposals, material changes of use that preserve openness will be allowed.

#### Summary of proposed Council response

***Q30: Do you agree with the proposed change 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?***

73. The continued emphasis on the protection of Green Belt land is supported. However, any form of housing in the Green Belt should continue to be subject to a 'very special circumstances' test. Under the provisions of current policy the use of brownfield land would be considered as part of this test and the proposals do not represent a worthwhile change to Green Belt policy.

74. The proposed text notes that Neighbourhood Plans may make detailed amendments to Green Belt boundaries. Further guidance on this point would be useful to prevent misunderstanding on the interpretation of what would constitute a detailed amendment.

### **Chapter 14: Meeting the challenge of climate change, flooding and coastal change**

75. The chapter carries forward a number of the housing White Paper proposals to:

- Refer to the risk of overheating from rising temperatures and make clear that planning policies should support measures to ensure the future resilience of communities and infrastructure to climate change.
- Incorporate the Written Ministerial Statement on wind energy development. In essence, this states that when determining planning applications for low carbon development, local planning authorities should approve the application if its

impacts are acceptable. This should take account of the views of the local community.

- Clarify that plans should take account of the cumulative impact of flood risk, rather than from individual developments.
- Clarifying policy on the exception test that may need to be applied when considering development in locations at risk of flooding.

#### Summary of proposed Council response

#### ***Q32: Do you have any comments on the text of Chapter 14?***

76. The proposed content on flood risk is broadly supported, however further clarification on the practical application of this guidance is required. The Council has no further comment to make on other aspects of the chapter at this stage.

#### **Chapter 15: Conserving and enhancing the natural environment**

77. This section of the draft NPPF introduces the principle put forward in the Housing White Paper that the 'agent of change' should be responsible for mitigating the environmental impact of their scheme. Where an existing business or community facility has effects that could be deemed a statutory nuisance in its vicinity, the applicant (or agent of change) should be required to secure suitable mitigation before the development has been completed, rather than the existing use.

78. Additional policy strengthening has been introduced for natural resources such as National Parks, Areas of Outstanding Natural Beauty and ancient woodland. These changes have been included to reflect the provisions of the Government's 25 Year Environment Plan.

79. The text from the current NPPF in relation to air quality has been retained and added to, however the provisions of air quality legislation are not fully reflected in the document.

#### Summary of proposed Council response

***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 for 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?***

80. The draft should reflect the current air quality legislation, as per the proposed wording of the response at Appendix A. With the exception of some reservations, the Council broadly supports the principles of the 'agent of change' and a higher level of protection for natural resources.

#### **Chapter 16: Conserving and enhancing the historic environment**

81. Paragraph 182 has been revised to clarify that World Heritage Sites are recognised internationally for their Outstanding Universal Value and that this forms part of their significance. In addition, amendments have been made to clarify that when considering the impact of a



proposed development on a designated heritage asset, decision makers should give weight to the asset's conservation, regardless of the extent of the harm to its significance.

Summary of proposed Council response

***Q36: Do you have any comments on the text of Chapter 16?***

82. The Council broadly supports the increased level of protection given to heritage assets.

**Chapter 17: Facilitating the sustainable use of minerals**

83. The Government is consulting on separate proposals relating to on-shore oil and gas extraction and a separate planning policy document for minerals. View are sought on whether this would sit better in a separate document alongside planning policy for waste.

Summary of proposed Council response

84. The Council has no specific comments to make on this chapter at this stage.

## **Supporting housing delivery through developer contributions:** **Reforming developer contributions to affordable housing and infrastructure**

85. In November 2017, the Government commissioned an independent review into the Community Infrastructure Levy (CIL) and its relationship with planning obligations. The review was published in February 2017. It found that the system of developer contributions was not fast, simple, certain or transparent as originally intended.

86. The Government announced a package of reforms in the Autumn Budget 2017 in response to the CIL review. These reforms are put forward to complement the proposals contained in the draft NPPF and are designed to improve the current system of developer contributions by:

- Reducing complexity and increasing certainty for local authorities, developers and communities by lifting the current Section 106 pooling restriction, which prevents local authorities from using more than five Section 106 contributions to fund a single infrastructure project.
- Supporting swifter development through increased transparency in the process of assessing the viability of development proposals.
- Improving market responsiveness to CIL: Regulations currently allow different CIL rates to be set within different areas of the charging authority's boundary on the basis of the type and scale of proposed development. However, this means that CIL rates do not necessarily reflect increases in land value that can occur when planning permission is granted. It is proposed to allow CIL charges to be set on the basis of the existing value of land to capture the value generated by new development and an amount which better represents infrastructure needs.
- Additional measures are proposed to simplify the charging of complex sites and in relation to the indexation of charges, which are currently indexed against build cost inflation. Contractor costs do not necessarily increase at the same rate as house price inflation. It is therefore proposed to index charges against house prices, to allow greater scope to take account of inflation.
- Increasing transparency over where developer contributions are spent: Proposals are put forward to remove the requirement for local authorities to prepare Regulation 123 lists which set out how CIL charges are spent and also require the publication of infrastructure funding statements to explain how the spending of CIL and Section 106 planning obligations will be prioritised over the next 2 years.
- Introducing a new tariff to support the development of strategic infrastructure: The Mayor of London is current able to charge the Mayoral CIL across London Boroughs. The Government proposes to allow combined authorities and joint committees where they have strategic planning powers, to introduce a Strategic Infrastructure Tariff, to encourage cross boundary planning and support the delivery of strategic infrastructure.

87. The proposed response to this document is attached at Appendix B of this report.

#### **4. Next Steps**

88. The consultation process for the draft NPPF and Developer Contribution Reforms proposals both close on Thursday 10<sup>th</sup> May. It is the Government's intention to publish the final version of the document this summer.

#### **Financial Implications**

The cost of preparing the proposed response can be met from existing revenue budgets.

### **RESIDENT BENEFIT & CONSULTATION**

#### **The benefit or impact upon Hillingdon residents, service users and communities?**

Policies in the NPPF and reforms to developer contributions will have a direct impact on all aspects of the natural and built environment in Hillingdon. These changes will, therefore, have a significant impact, both short-term and long-term, upon residents, businesses, service users and all members of Hillingdon's communities.

#### **Consultation carried out or required**

The short timescales involved with the NPPF consultation have not allowed time for the Council's own consultation with residents.

### **CORPORATE CONSIDERATIONS**

#### **Corporate Finance**

Corporate Finance has reviewed this report, confirming that there are no direct financial implications arising from the recommended consultation response. Emerging strategic impacts of future changes to the National Planning Policy Framework will be captured in future iterations of the Council's Medium Term Financial Forecast as appropriate.

#### **Legal**

The National Planning Policy Framework constitutes guidance for local planning authorities and decision-makers both in drawing up plans and as a material consideration in determining planning applications.

The draft revised National Planning Policy Framework incorporates policy proposals previously consulted on including the Housing White Paper and the Planning for the right homes in the right places consultation.

Legislation requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

If Cabinet decides to approve the recommendations in this report, the Council should ensure that a response is submitted on or before the deadline, which in this case is 10 May 2018 and if possible in the format and layout suggested in the consultation paper. In considering the consultation responses, the Secretary of State must ensure there is a full consideration of the representations made by this Council, including those which do not accord with the proposals. It should be noted however, that the Ministry of Housing, Communities and Local Government is not bound to adopt the Council's views in the final version.

If specific advice is required, Legal Services should be instructed.

### **Infrastructure / Asset Management**

There are no specific Property and Construction implications arising from the recommendations in this report at this stage.

## **BACKGROUND PAPERS**

NIL

## **TITLE OF ANY APPENDICES**

Appendix A: Proposed response to the National Planning Policy Framework draft text for consultation.

Appendix B: Proposed response to the Reforming Developer Contributions to Affordable Housing and Infrastructure Document for consultation.