

Report of the Chief Planning Officer

Report to Development Plan Panel

Date: 11th September 2018

Subject: Revised National Planning Policy Framework

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- On 17 April 2018 Development Plan Panel considered the Council's response to the draft revised National Planning Policy Framework (NPPF). The Council submitted over 100 comments on the document, including on housing numbers, definitions of affordable housing, promoting sustainable development, viability, supporting business growth and productivity, provision of a wide range of infrastructure, maximising brownfield land, supporting regeneration, protecting the Green Belt and Neighbourhood Planning.
- The Ministry for Housing Communities and Local Government (MHCLG) issued the final revised 2018 NPPF on 24 July.
- The 2018 NPPF replaced the 2012 version with immediate effect, subject to transitional provisions relating to the examination of Local Plans. These provisions allow Plans submitted to the Secretary of State in the six months following the publication of the 2018 NPPF (i.e. up to and including 24 January 2019) to be examined for soundness against the 2012 NPPF and this will apply to the Core Strategy Selective Review which was submitted to MHCLG on 9 August.

4. The 2018 NPPF has a number of accompanying documents and an intent for government to publish a Planning Rulebook to deliver more quality, well designed homes with greater protection for the environment and greater responsibility and accountability for housing delivery from councils and developers.
5. The main changes are around the structure of the document, a revised presumption in favour of sustainable development and changes to national policy on plan-making, calculating housing numbers, definitions of affordable housing, estate regeneration, green belt, economic development and the role of neighbourhood planning.

Recommendation

6. Development Plan Panel is invited to note the implications of the 2018 NPPF both in relation to plan making and decision taking as set out in this report.

1 Purpose of this Report

- 1.1 The purpose of this report is to provide members of the Development Plan Panel, with an understanding of the revised National Planning Policy Framework (RNPPF), which was issued on 24 July 2018 and replaces the 2012 version of the NPPF with immediate effect.
- 1.2 This report focuses on the changes between the 2012 and 2018 versions of the NPPF, with some reference to changes since the consultation draft, and particular reference to matters affecting plan-making and decision taking in Leeds.

2 Background Information

- 2.1 The RNPPF consolidates a number of policy proposals which originate from the Housing White Paper (the Council's response was agreed by Executive Board on 19 April 2017) and the Planning for the Right Homes in the Right Places consultation (the Council's response was considered by DPP on 3 November 2017) and were further refined through the draft revised NPPF consultation which ran from 5 March to 10 May 2018.
- 2.2 On 17 April Development Plan Panel considered the Council's consultation response to the draft revised National Planning Policy Framework. The Council submitted over 100 specific comments on the document, including on housing numbers, definitions of affordable housing, promoting sustainable development, viability, supporting business growth and productivity, provision of a wide range of infrastructure, maximising brownfield land, supporting regeneration, protecting the Green Belt and Neighbourhood Planning.

3 Main Issues

- 3.1 Overview
 - 3.1.1 The Ministry for Housing Communities and Local Government (MHCLG) issued the RNPPF on 24 July.
 - 3.1.2 The MHCLG consultation generated nearly 30,000 responses. Notwithstanding this, in respect of the March consultation draft, changes made to the final RNPPF focus on clarifications and re-wording, with very few significant amendments. Of the 105 specific points made by the Council, 8 are carried through as amendments in the final RNPPF.
 - 3.1.3 Alongside the final version of the NPPF, MHCLG also issued the following:
 - i Government Response to the Draft Revised National Planning Policy Framework Consultation, which states that some of the issues raised in response to the draft NPPF may be addressed further in updates to Planning Practice Guidance in due course (these include: plan-making process, retail policy, the role of planning in reducing crime, high density development, design, compensatory improvements to Green Belt, and the assessment of the impact of proposed development on the significance of heritage assets)

- ii Updates to the Planning Practice Guidance (PPG), relating to housing and economic development needs assessments and viability
- iii The Housing Delivery Test Measurement Rule Book setting out the method for calculating the Housing Delivery Test.
- iv An intent to publish a Planning Rulebook to deliver more quality, well designed homes with greater protection for the environment and greater responsibility and accountability for housing delivery from councils and developers

3.1.4 The starting point for decision making, in line with the Planning and Compulsory Purchase Act 2004, remains the Adopted Development Plan, but the 2018 NPPF is a material consideration in determining planning applications.

3.1.5 The Core Strategy and Natural Resources and Waste Plans may need to be revised to take account of the 2018 NPPF. For plan-making in progress (such as the Leeds Site Allocations Plan and Core Strategy Selective Review) the 2012 NPPF will apply for the purposes of examining plans as they were submitted during the transitional provisions (deadline 24 January 2019).

3.1.6 In addition to new and amended policy areas, there have also been many detailed changes to policy wording since the 2012 edition. This report seeks to highlight the main changes.

3.2 General Points

3.2.1 The structure of the 2018 NPPF is different from the 2012 version, bringing forward the chapters on plan-making and decision-making to the front of the document, removing the Core Planning Principles and integrating them throughout and introducing a new chapter on 'making efficient use of land'. An immediate effect of the change in format is that paragraph numbering is substantially different, meaning that straightforward comparisons between 2012 and 2018 versions are not easy to make.

3.2.2 Compared with the consultation draft of March 2018, the final July version has only a small number of changes (paragraph numbers in brackets):

- the NPPF should be read as a whole, including footnotes and annexes (NPPF ¶3)
- insertion of footnote 27 to advise on affordable housing policy which increases the importance of the Government's definitions of affordable housing
- a loosening of the new policy requirement to bring forward small and medium sized housing sites (¶68)
- amending the new requirement that supports entry-level exceptions sites,

outside existing settlements on land not allocated for housing, for first time buyers by stating that these should not exceed 5% of the size of the existing settlement (¶71)

- new reference to recognising and addressing the specific locational requirements of different employment sectors (¶82)
- amendments to town centre policy, emphasising the need to respond to rapid changes in retail and leisure, whilst removing policy to identify primary and secondary shopping frontages (¶85)
- amendments to allow maximum parking standards where there are clear and compelling reasons to do so (¶106) and new references to providing dedicated overnight lorry parking facilities (¶107)
- new text on the proactive role for local planning authorities in land assembly, supported by compulsory purchase powers, where this can help to bring more land forward for meeting development needs (¶119)
- new text emphasising the importance of high quality buildings and places, and policy to ensure that the quality of approved development is not diminished between permission and completion (¶130)
- clarification that exceptional circumstances for the alteration of Green Belt boundaries need to be fully evidenced and justified (¶136)

3.3 Implementation

3.3.1 The 2018 NPPF replaced the 2012 version with immediate effect, subject to transitional provisions relating to the examination of Local Plans. These provisions allow Plans submitted to the Secretary of State in the six months following the publication of the 2018 NPPF (i.e. up to and including 24 January 2019) to be examined for soundness against the 2012 NPPF and this will apply to the Core Strategy Selective Review which was submitted to MHCLG on 9 August.

3.3.2 The Housing Delivery Test comes into effect in November 2018 when the first Housing Delivery Test results will be published. Further explanation of the test is provided in paragraph. 3.8.4 of this report

3.4 Neighbourhood Planning

3.4.1 The RNPPF generally consolidates the role of neighbourhood plans in the planning system. Whilst the RNPPF does not have a dedicated chapter on neighbourhood planning references are made all through the RNPPF as appropriate. A separate report on Neighbourhood Planning to Development Plan Panel of 11th September will set out further details, but the key changes are as follows:

- i The strategic policies of a local authority should set out a housing requirement for designated neighbourhood areas which reflects the overall

strategy for the pattern and scale of development and any relevant allocations. If strategic policies have already been adopted, or if a neighbourhood area is designated at a late stage, then local authorities should provide an “indicative figure” if requested to do so by the neighbourhood planning body. Under the transitional arrangements, this will not be an issue for the housing requirement proposed in the Leeds’ Core Strategy Selective Review. However, when the housing requirement is next reviewed, the issue of setting housing requirements for neighbourhood areas will need to be considered. In the interim, the Council will only have to consider setting indicative targets if asked to do so by a neighbourhood body.

- ii Neighbourhood plans will be able to alter detailed Green Belt boundaries. This is only possible if the local authority’s strategic policies have identified a need to alter the Green Belt
- iii Where a local authority has been unable to demonstrate a five year supply or has not met the Housing Delivery Test such that the presumption in favour of sustainable development applies, clarification is given in Paragraph 14 on the status of policies in a made neighbourhood plan
- iv Paragraph 50 clarifies at which point in preparing a Neighbourhood Plan prematurity may be cited in reasons for refusing planning applications
- v Paragraph 69 encourages neighbourhood planning groups to consider allocating small housing sites (up to 1ha in size)
- vi Paragraphs 125 and 126 strengthen the role that neighbourhood plans have in setting design standards in their area.

3.5 Plan Making

- 3.5.1 A distinction is drawn between strategic policies and non-strategic policies to help clarify the role and components of a Development Plan: spatial development strategies at a sub-regional level (dealing only with strategic policies), local plans (dealing with strategic and non-strategic policies) and neighbourhood plans (dealing only with non-strategic policies). Also, the RNPPF is stricter about strategic policies looking ahead over a minimum period of 15 year from adoption. The 2012 NPPF had references to housing policies looking over 15 years, but not specifying “from adoption”.
- 3.5.2 Regarding the “Duty to Cooperate”, the RNPPF introduces a new expectation for strategic policy making authorities to prepare Statements of Common Ground documenting cross boundary matters, including whether the needs of one area should be met in another.
- 3.5.3 Another significant change on plan making is that policies must be reviewed at least once every five years. Assessments should take into account changes in local circumstances (including housing need) and changes in national policy. Policies should then be updated as necessary to ensure conformity with NPPF. Leeds’ Natural Resources and Waste Plan adopted in 2013 will need to be

reviewed first, followed by the Core Strategy which was adopted in 2014. These reviews will be presented to future meetings of Development Plan Panel with recommendations for updates to particular policies as necessary.

3.5.4 In terms of the way plans are examined, the RNPPF introduces changes to the tests of “soundness”. Plans need to be justified that they are following *an appropriate* strategy, rather than *the most appropriate strategy*. This should help facilitate local authorities to get their plans adopted.

3.6 Decision Taking

3.6.1 Regarding decision making, the advice on prematurity is now set out in the RNPPF. It is the same advice that was formerly in Planning Practice Guidance that sets very restrictive circumstances for refusing planning applications on prematurity grounds.

3.7 Sustainable Development

3.7.1 The 2012 NPPF defined sustainable development as the policies in the NPPF taken as a whole. The 2018 NPPF has aligned its definition of sustainable development to the Report of the World Commission on Environment and Development (1987), known to as the Bruntland definition. The economic, social and environmental objectives are to be delivered through the preparation and implementation of plans and the application of NPPF policies so that net gains are achieved in each. However, it states that they are not criteria against which every decision can or should be judged.

3.8 Housing Supply

Five Year Supply and penalties for not demonstrating

3.8.1 One of the key preoccupations of Government in recent years has been to boost significantly the supply of housing. In so doing they introduced a policy in the 2012 NPPF called the “presumption in favour of sustainable development” as a method to grant permission for applications not in accordance with the development plan where there is no five year supply (5YS) of housing or whose plans may be out of date. If there was no 5YS then the relevant policies for the supply of housing were deemed out of date for the purposes of applying the “presumption” test and there was a presumption to grant permission (the presumption test) unless (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (ii) specific policies in the Framework indicate development should be restricted.

3.8.2 The courts had adjudicated on the meaning of “relevant policies for the supply of housing”. Most recently, the Supreme Court settled on a narrow interpretation that only policies directly concerned with the supply of housing would be considered out-of-date. The 2018 NPPF effectively reverses this ruling by requiring that where there is no 5YS *any* policies which are most important for determining the application are to be deemed out-of-date. This means that the implications of not being able to demonstrate a 5 Year Supply

of housing are more severe for local authorities. It means that policies concerning matters such as density, mix, design, affordable housing, green space, public realm etc will be considered out-of-date.

Small Housing Sites

- 3.8.3 Local authorities are now expected, through development plans and brownfield registers, to identify land for at least 10% of their housing requirement on small and medium sites (defined as one hectare or less). This has been reduced from 20% in the Draft NPPF of March 2018. The definition has also been extended to 1ha from 0.5ha in the draft. Leeds' Site Allocations and Aire Valley plans comfortably exceed this expectation for small housing sites.

Housing Delivery Test

- 3.8.4 Coming into force in November 2018, the test will measure the number of homes completed against the local housing requirement and penalise councils that under-deliver against various thresholds over a three-year period. The main penalty will be activating ¶ 11(d) "policies are out of date" in the presumption test which applies where an application does not accord with the development plan. This will be where delivery is below 25 per cent of the housing requirement from November 2018; the threshold then increases to 45% in 2019 and 75% in 2020. To help local authorities the 2018 NPPF encourages the use of planning conditions to require earlier commencement of development and encourages local authorities to understand why commencements may not have occurred on similar major development sites. However, this encouragement only reflects what Leeds City Council has been doing for several years in using planning conditions to achieve early commencements.

3.9 Affordable Housing

- 3.9.1 The 2018 NPPF introduces significant policy changes compared with the 2012 NPPF which have been heralded in consultation drafts over the past two years. There is increased emphasis on affordable home ownership. Paragraph 64 now expects policies and decisions to expect at least 10% of dwellings on new major developments to be affordable home ownership as part of the overall affordable housing contribution from the site (unless this exceeds the required amount of affordable housing in the area). Also, three of the four definitions of affordable housing in the Glossary of the 2018 NPPF are types of home ownership.
- 3.9.2 The definition of affordable rented housing includes three types: "social rent", "affordable rent" or that which is at least 20% below local market rents. For rented housing it is also expected that the landlord should be a registered provider (except where part of a Build-to-Rent scheme) and the property will remain at an affordable price for future eligible households or subsidy is recycled for alternative affordable housing.
- 3.9.3 Leeds defines affordable housing much more specifically based on evidence of earnings in Leeds. The adopted Core Strategy defines two main types of

affordable housing: social rented (affordable enough for households on 10th lowest earnings) and Intermediate (affordable enough for households on lowest quartile of earnings). These definitions accord with the 2018 NPPF definitions. The CSSR seeks to describe these types in plainer English and also adds policy for Build-to-Rent affordable housing, which accords with the 2018 NPPF also.

3.10 Viability

3.10.1 The main change is the front-loading of viability assessment at the plan-making stage. This places greater reliance on strategic viability rather than individual viability assessment at the planning application stage. It will be for the applicant to justify the need for a viability assessment at the application stage and the weight to be attributed to the viability assessment will be for the decision maker.

3.10.2 The 2018 NPPF also expects standardised inputs into viability appraisals to provide consistency. The use of benchmark land values will help challenge assumptions that affordable housing is unviable when too much had been paid for the land. The 2018 NPPF also expects viability assessments to be made publicly available. This should help counter the public perception that the viability assessment process is not transparent.

3.11 Economic Development

3.11.1 Advice in the 2018 NPPF is broadly the same as the 2012 NPPF in encouraging planning policies to encourage sustainable economic growth. There is greater emphasis on making links to the Government's productivity and innovation agendas. The need to avoid long term protection of sterile employment allocations is deleted from this version. Instead, the "effective use of land" section has comparable advice for *all* allocations of land to bring forward alternative use where there is no reasonable prospect that the allocated use will come forward. There is also additional advice for making better use of unallocated land in employment use for other needs such as housing. There are provisos that this should not undermine economic sectors.

3.11.2 For Leeds an update of Core Strategy employment policy is likely to be a priority in order to satisfy conformity with the 2018 NPPF and this will be undertaken as part of the requirement to review plans every 5 years and ensure that the city's economic and employment needs are up to date and policies are appropriately aligned with regional and national strategies.

3.12 Town Centres

3.12.1 Generally, this chapter remains unchanged, with the central tenet of national policy still being the town centres first approach. The most significant change is that Local Authorities are no longer required to establish primary and secondary retail frontages. Leeds' Site Allocations Plan, which is proposing revisions to the primary and secondary frontages first identified in the UDP, will be unaffected because it is being assessed against the 2012 NPPF under transitional arrangements. However, whilst the Site Allocations Plan takes

precedence over the NPPF in decision making the change, which is a material consideration, may mean less weight is given to protected frontage policies in the UDP and Core Strategy, as they no longer accord with the NPPF which is now emphasising greater flexibility in town centres by having policies that can respond to rapid changes in the retail and leisure industries. It also means that a future review of the Site Allocations Plan will have to consider whether to revise the policy on protected frontages to reflect the revised NPPF, or retain the existing policy approach as a locally specific measure designed to respond to the circumstances of Leeds

3.12.2 Other minor changes to advice on undertaking impact tests and sequential assessments have been introduced. The 5-10 year time period for impact tests has been removed which is likely to increase emphasis on the immediate effects of a proposal on the health of a town centre. Regarding the sequential test, alternative sites in centres can now include sites *expected to become available within a reasonable period* which could be helpful in resisting out-of-centre development proposals.

3.13 Transport

3.13.1 The section on transport continues to emphasise land use planning to promote sustainable travel. New additions to the 2018 NPPF include:

- When assessing opportunities from existing or proposed transport infrastructure, the scale and density of development as well as the location are now relevant
- A reference to seeking net environmental gains in provision of new transport infrastructure
- A cross reference to air quality and public health as benefits of sustainable transport
- More emphasis on joint working with neighbouring authorities and transport infrastructure providers so that strategies and investments and development patterns are aligned
- A reference to providing a high quality walking and cycling network
- A reference to providing for large scale transport facilities in the area in terms of infrastructure and wider development to support their operation, expansion and contribution to the wider economy. Examples of this would be the HS2 proposals and Leeds Bradford Airport
- A reference to prioritising pedestrian and cycle movements within schemes and laying out developments to facilitate access to public transport services
- An expectation for provision of adequate facilities for electric / low emission vehicles to be made in new parking

3.13.2 The Core Strategy includes a policy (SP11) which sets out transport

infrastructure investment priorities. The Council will need to consider, when reviewing the Core Strategy, whether this policy and the key diagram needs to be updated in line with the new NPPF requirements, in order to align with the latest transport strategies and proposals, for example the Leeds Integrated Station masterplan, the Leeds City Centre Package and new rail, bus, park and ride and road improvement proposals. The single transport SPD which is being prepared will also need to be reviewed to reflect the 2018 NPPF.

3.14 Effective Use of Land.

3.14.1 The chapter on effective use of land gives a higher profile to policies that encourage use of brownfield land and under-utilised land and buildings. There is increased emphasis on upward extension of buildings to provide new homes in appropriate circumstances and optimising densities of new housing according to public transport accessibility. This chapter also includes advice on making use of long-standing allocations and land for other purposes with greater needs (see section on economic development above).

3.15 Healthy Communities

3.15.1 Advice on promoting healthy, inclusive and safe places, advice on providing for the social recreational and cultural needs of communities and advice on protecting and promoting open space is largely unchanged in the 2018 NPPF. A new sub-heading is provided for Open Space and Recreation which helps raise its profile. It refers to providing access to a *network* of open spaces, which is important in urban areas like Leeds. Designation of Local Green Space should only occur during the plan preparation stage (including neighborhood plans) and only in very specific circumstances. Thereafter, managing development within a local green space should be consistent with those for green belts.

3.16 Green Belt

3.16.1 The 2018 NPPF carries forward Green Belt policy largely unchanged, except changes of use in the green belt are now expressly recognised as an exception to inappropriate development in the Green Belt. This was the subject of much case-law under the 2012 NPPF. One change involves allowing Neighbourhood Plans to redraw detailed Green Belt boundaries once a need for a change has been established through strategic policies. Another change is requiring a higher evidence based justification for altering Green Belt boundaries in Green Belt Reviews.

3.17 Climate Change

Energy Efficiency

3.17.1 Regarding energy efficiency, the 2018 NPPF is not clear on the legitimacy of planning policies which require standards for energy efficiency that exceed the those set in Building Regulations. The Written Ministerial Statement (WMS) of March 2015 said that local authorities should not require higher standards than Building Regulations except with one or two exceptions. The submitted Core

Strategy Selective Review emasculates the adopted Core Strategy policy in order to be consistent with the WMS.

Areas for Renewable and Low Carbon Energy

- 3.17.2 Para. 151b) requires local planning authorities to consider identifying areas that are suitable and setting policy criteria for renewable and low carbon energy generation. These matters will be considered when the Council undertakes a review of the Natural Resources and Waste Plan.
- 3.17.3 Para. 151 c) requires local planning authorities to identify opportunities for new development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers with suppliers. This is addressed in the Aire Valley Leeds Area Action Plan. Future work will need to explore how this can be addressed in other areas of Leeds.

Flood Risk

- 3.17.4 The 2018 NPPF introduces the concept of Natural Flood Management (NFM) measures to be applied through site development opportunities. NFM means emulating the natural regulating function of catchments, rivers, floodplains and coasts. There is an opportunity for this issue to be examined when the Council's Strategic Flood Risk Assessment is updated later this year.
- 3.17.5 Paragraph 165 requires major development to incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. There is also a requirement for maintenance arrangements to be in place for the lifetime of the development. Leeds City Council often imposes this requirement, via planning conditions. The review of the Natural Resources and Waste Local Plan will likely include a new policy requirement relating to maintenance schedules to be provided with a planning application so that the Council can take enforcement action if a system is not being properly maintained.

3.18 Good Design and Natural and Historic Environments

- 3.18.1 Policy in these areas is largely unchanged. The importance of design standards is emphasised along with an expectation that the quality of development should not be diminished between approval and completion, for example by substitution of inferior materials. There is now stronger protection of irreplaceable habitats such as ancient woodland and ancient / veteran trees. Also, the wording that expects "agents of change" to mitigate the effects of existing businesses and facilities (eg pubs and music venues) on the proposed development (eg residential) in paragraph 182 is considered to be more effective. The definition of pollution (which covered all forms of pollution) is removed from the glossary, but the objective of minimising pollution is included in the objective in paragraph 8c.
- 3.18.2 The chapter on historic environments carries forward the policy largely unchanged. There are tweaks to the way "harm" is defined to bring it in line

with recent case law.

3.19 Minerals and contaminated land

Mineral Safeguarding

- 3.19.1 National policy asks local mineral authorities to define a mineral safeguarding area (MSA) for specific minerals resources of local and national importance. The 2018 NPPF now includes unconventional hydrocarbons in the definition. This includes shale gas which is extracted through “fracking”. The 2018 NPPF also includes new advice that local mineral authorities put in place policies to facilitate the exploration and extraction of on shore oil and gas development. An implication for Leeds is that the review of the Natural Resources and Waste DPD will have to consider the need to define an MSA for unconventional hydrocarbons and put forward a policy for extraction of oil and gas including unconventional hydrocarbons. An area of Leeds is already licensed for fracking exploration.

Safeguarding Sustainable Minerals Transport Infrastructure

- 3.19.2 The 2018 NPPF reduces protection for wharves which aid transport of minerals by waterway and rail. There is no longer specific mention of rail heads, rail links to quarries and wharfage; instead a generic safeguarding phrase is used. Fortunately, Leeds already has a strong specific policy for protecting wharves in Leeds, but the effects of weaker planning policy on neighbouring local authorities could have ramifications for Leeds if mineral transportation is shifted to road after wharves in neighbouring are subject to redevelopment proposals.

Contaminated Land

- 3.19.3 Regarding contaminated land, the 2018 NPPF carries forward the policy requirement for land to be appropriately investigated and remediated to be suitable for proposed uses and, as a minimum, should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. This was previously set out in paragraph 121, now in paragraph 178. Paragraph 118 indicates that substantial weight should be given to using brownfield land, subject to appropriate remediation

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The 2018 NPPF released on the 24th July 2018 had been preceded by a number of drafts that had been subject to public consultation. A full draft was released for 8 weeks of public consultation in March 2018 to which the City Council responded with over 100 suggestions for improvement. Particular elements of planning policy had been subject to earlier public consultation, including build-to-rent affordable housing (February 2017) and planning for the right homes in the right places (September 2017).

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 It is considered that the 2018 NPPF will have little impact on equality, diversity cohesion or integration of the population and communities of Leeds. There are few significant changes from the 2012 NPPF and changes, such as to the definition of affordable housing, will not necessarily require changes to local policy.

4.3 Council Policies and City Priorities

4.3.1 It is considered that the 2018 NPPF will have little immediate impact on Council Policies and City Priorities. The Site Allocations Plan which is currently being examined and the Core Strategy Selective Review which has just been submitted for examination are unaffected because the transitional arrangements mean that they will be tested for soundness against the 2012 NPPF. One change of significance is the requirement for local authorities to review their plans at least once every 5 years and update policies that are out-of-date in terms of local circumstances or national policy. This formalises what Leeds City Council does anyway.

4.4 Resources and value for money

4.4.1 The 2018 NPPF will have negligible impact on resources and value for money.

4.5 Legal Implications, Access to Information and Call In

4.5.1 In the course of plan preparation and determining planning applications it is sometimes necessary to obtain legal opinion on the meaning of national planning policy. Whenever national planning policy changes there are likely to be issues of policy interpretation generated. There will undoubtedly be such issues of policy interpretation with the 2018 NPPF, but no more than usual.

4.6 Risk Management

4.6.1 There is risk for the council in how much decisions on plan making and planning applications depart from national guidance. National guidance is necessarily broad however, in relation to certain matters national planning policy has moved in directions that diverge from Leeds' current policy position. Interpretations of new national policy will take time to be clarified, no doubt in the courts. Up to date local plans have the benefit of relying upon local evidence and understanding local priorities and circumstances. The system of testing soundness is still evidence based. Where conflict of local policies with the 2018 NPPF is alleged, local policies still take precedence in accordance with s.38 Planning and Compulsory Purchase Act 2004.

5 Conclusions

5.1 The key impacts for Leeds can be summarised as follows:

- i Local Plan policies have to be reviewed at least every 5 years and updated as necessary

- ii Affordable housing 2018 NPPF definitions of affordability provide more affordable home ownership options than Leeds' existing policy.
 - iii Greater weight is to be given to policy viability as opposed to individual development viability
 - iv A housing delivery test becomes operable from November 2018 with penalties if thresholds are not reached.
 - v Policy to define primary and secondary shopping frontages is deleted.
 - vi Leeds will be expected to prepare policy and define a mineral safeguarding area including areas appropriate for extraction of unconventional hydrocarbons (shale gas)
- 5.2 It is clear that there is now a need to review the Local Plan within 5 years of adoption to assess if any policies need to be updated in line with NPPF. This can now be progressed, initially for the Natural Resources and Waste Local Plan and the conclusions of that review can be reported to Panel in due course.

6 Recommendation

- 6.1 Development Plan Panel is invited to note the implications of the 2018 NPPF both in relation to plan making and decision taking as set out in this report.