

Town Planning Update – July 2021

The National Planning Policy Framework (“NPPF”)

- **Published 27 March 2012**
- **Last updated July 2021**
- **July 2021 version supersedes all other revisions to the NPPF**

The Ministry of Housing, Communities and Local Government (“MHCLG”) published a revised National Planning Policy Framework (“NPPF”) on 20 July 2021, which replaces all other updated versions of the NPPF. The changes published as part of the newly revised NPPF will result in a shift in attitudes towards several key issues, including a focus on faster planning decisions for hospitals, an increased emphasis on design, and an increased focus on the importance of trees in developments. It is anticipated that these changes will affect the treatment of planning applications coming forward within the NHS Property Services (NHSPS) property portfolio.

This note focuses on the key changes to the NPPF compared to the 2019 archived version. It sets out the key amendments made, and provides commentary on specific elements of the amendments which are of relevance to the NHS property portfolio.

Summary of the Key Changes to the NPPF

All planning applications will be assessed against the revised NPPF going forwards, and therefore the key changes to the NPPF will be a material consideration in the determination of planning applications on NHSPS sites.

The key changes made to the NPPF which are of most relevance to NHSPS are summarised below:

- **Paragraph 53** – limits the use of Article 4 directions to restrict Permitted Development rights, and now requires Article 4 directions to be essential, based on robust evidence, and to apply to the smallest geographical area possible.
- **Paragraph 65** – clarification provided in relation to the provision of affordable homes, with paragraph 65 requiring the provision of 10% of the total housing in a scheme to be provided as affordable housing. Importantly this is not a change in policy from the 2019 NPPF, but rather provides clarification on the wording.
- **Paragraph 96** – places emphasis on the fast delivery of public service infrastructure, including hospitals. Local planning authorities are also required to work proactively with delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.
- **Paragraph 131** – an enhanced emphasis on using trees in new development.
- **Paragraph 180d)** – strengthening of policies on biodiversity, with para 180d) requiring biodiversity to be integrated into a schemes design.

Summary of impact on the NHSPS Portfolio

In terms of the impact these amendments may have on the NHSPS Portfolio, each property will continue to be assessed on a site-by-site basis against the Local Development Plan specific to that property.

However, broadly speaking, we can expect:

1. An increased emphasis on Local Planning Authorities proactively working with the NHS in the delivery of hospitals. This is in direct response to paragraph 96 and the increased importance on fast delivery of public service infrastructure.
2. More emphasis at incorporating biodiversity into a scheme design at an early stage in response to paragraph 180d). In NHSPS schemes we may want to consider consulting an ecologist at an earlier stage in scheme progression in order to ensure this is accomplished.
3. An enhanced emphasis on the delivery of 'beautiful' places. How this may affect NHSPS property is yet to be established, however, this does increase the potential for Planning Authorities to draw more subjectivity into design related decision making, and we should be conscious in the need to design attractive places in any proposals being brought forward.
4. The potential for the Local Planning Authority to place increased importance on the delivery of trees within development proposals in response to paragraph 131. This may result in Local Authorities requiring the delivery of trees on sites where no existing trees are present.

Comparison Table of Amendments to the NPPF

This section sets out the exact wording of the key changes made to the NPPF, in chronological order. A comparison between the old (2019) text and the new (2021) text is set out in Table 1 below, with the new text shown in green, and deleted wording shown in red strikethrough. Commentary is also provided where appropriate.

It should be noted that the below is not an exhaustive list of all changes made to the NPPF – but is a summary table of those considered to be of most importance to the NHSPS property portfolio, and which may potentially impact forthcoming proposals on NHSPS owned sites and how these proposals are assessed.

Table 1: Comparison Table of 2021 NPPF against 2019 NPPF Wording

2021 NPPF paragraph number	2021 text	Commentary
7	The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs ⁴ . At a	Addition of the United Nations' climate change goals.

	<p>similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection⁵.</p>	
8b)	<p>a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe built-environment-places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</p>	<p>The term beautiful has been included as a response to the recommendations of last year’s Building Better, Building Beautiful Commission. MHCLG has been quoted as stating that <i>"This should be read as a high-level statement of ambition rather than a policy test. The government would encourage local planning authorities, communities and developers to work together to decide what beautiful homes, buildings and places should look like in their area. This should be reflected in local plans, neighbourhood plans, design guides and codes, taking into account government guidance on design."</i></p>
8c)	<p>an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	<p>Shift to place increased emphasis on improving biodiversity.</p>
11a)	<p>all plans should positively seek opportunities to promote a sustainable pattern of development that seeks to: meet the development needs of their area; ; and be sufficiently flexible to adapt to rapid change align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;</p>	<p>A shift in emphasis onto plan makers.</p>
53	<p>The use of Article 4 directions to remove national permitted development rights should:</p>	<p>New limits on the use of Article 4 directions to restrict permitted development rights</p>

	<ul style="list-style-type: none"> • Where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre) this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). • In other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities) • In all cases, be based on robust evidence, and apply to the smallest geographical area possible. <p>Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.</p>	<p>have been introduced. In all cases, Article 4 directions should be based on robust evidence and relate to the smallest geographical area possible.</p>
65	<p>Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership³¹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:</p> <ol style="list-style-type: none"> provides solely for Build to Rent homes; provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students); 	<p>Amended to address confusion on whether the 10% applies to all units or the affordable housing contribution, and confirms that the 10% Affordable Housing contribution applies to all units at a site (not just the affordable housing contribution).</p>

	<p>c) is proposed to be developed by people who wish to build or commission their own homes; or</p> <p>d) is exclusively for affordable housing, an entry-level exception site or a rural exception site</p>	
96	<p>To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.</p>	<p>New paragraph added which encourages the faster delivery of education colleges, hospitals and prisons. The new paragraph encourages local authorities to work proactively with delivery partners and statutory bodies to ensure key facilities are provided.</p>
110c)	<p>the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁶; and</p>	<p>New sub-para added to increase emphasis on national design guidance in the design of transport elements.</p>
125	<p>Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.</p>	<p>New sentence added to increase emphasis on national design guidance, design codes and masterplans in the design of places.</p>
128	<p>To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as all local planning authorities should prepare design guides and or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. These Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. However Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale</p>	<p>Increased emphasis on national design guidance, and locally prepared design guides and codes.</p>

	<p>of change in each place, and should allow a suitable degree of variety where this would be justified.</p>	
131	<p>Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵⁰, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.</p>	<p>New paragraph emphasising the importance of trees in development proposals, and the impact they can have in mitigating climate change.</p>
134	<p>Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:</p> <p>a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or</p> <p>b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings</p>	<p>Paragraph 134 replaces NPPF 2019 paragraph 130 which relates to design and local character and quality of an area. An emphasis is placed on innovative design which promotes sustainability.</p>
135	<p>Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).</p>	<p>New paragraph which seeks to limit the scale of changes which can be made to an extant permission.</p>

161	<p>All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:</p> <p>a) applying the sequential test and then, if necessary, the exception test as set out below;</p> <p>b) safeguarding land from development that is required, or likely to be required, for current or future flood management;</p> <p>c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management where appropriate through the use of natural flood management techniques); and</p> <p>d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.</p>	<p>Changes in relation to flood risk have been stated by Jenerick to be a response to the emergent findings from a joint review with DEFRA on policy for building in areas of flood risk.</p>
167b)	<p>b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;</p>	<p>As above – additional wording added to provide increased emphasis on flood risk measures and mitigation.</p>
180d)	<p>development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate improve biodiversity improvements in and around developments should be encouraged integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.</p>	<p>Policies on improving biodiversity have been strengthened</p>

The full revised NPPF can be read [here](#).

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For further advice or more support, please feel free to contact a member of the Town Planning Team via: town.planning@property.nhs.uk
