

Calderdale Local Plan: The implications of NPPF2018

1. Introduction

- 1.1 We understand that Calderdale Council intends to make use of the NPPF transitional arrangements, so that by submitting for examination before January 2019 the soundness of the Publication Draft Plan can be assessed against NPPF2012.
- 1.2 This may seem a logical approach, since the draft plan has been prepared in the context of NPPF2012. However, it is CPRE's view that the draft plan must be also evaluated against NPPF2018, and that significant modifications are needed as a result of this evaluation. This evidence paper sets out our reasoning for this opinion, and highlights the issues where we consider the plan needs to be changed.

2. Why does the Plan need to be evaluated against NPPF2018?

- 2.1 Some aspects of NPPF2018 point towards materially different policies and decisions in the future. Principally these are:
- Giving substantial weight to the value of using suitable brownfield land (paras 118 and 119);
 - Requiring a proportion of new housing to be on smaller sites, including windfalls (para 68);
 - Taking a more sustainability-driven approach to strategic sites, including a provision for environmental net gain (para 72);
 - Requiring minimum housing density standards to make efficient use of land (para 123);
 - A more robust approach to sustainable transport and its implications for the location of new development (paras 102 and 103);
 - New guidance on viability in plan-making and in decision-taking (ID: 10-001-20180724), which is a major departure from the approach taken in NPPF2012 and the 2014 NPPG.
- 2.2 These revisions are important because there is a strong likelihood that the Calderdale Plan would need to be materially different in order to show consistency with NPPF2018. In CPRE's view, it would neither practicable nor appropriate to adopt a Local Plan for Calderdale that pretends NPPF2018 does not exist. Our reasons for this view are set out below.
- 2.3 NPPF2012 para 174 states that "[Local Planning Authorities]...*should assess the likely cumulative impacts on development in their area of all existing and proposed local standards....when added to nationally required standards.*" NPPF2018 gives a basis for new standards, in terms of brownfield re-use and density, which will be current during the life of the Local Plan; and NPPF2012 requires that these standards be considered as and when they take effect.
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- 2.4 NPPF2018 will be a material consideration for all planning applications determined in the context of the adopted Plan. Para 11 states, for decision-taking:
- “d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless...*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 2.5 It is easy to foresee a scenario in which the adopted Local Plan does not contain relevant policies on brownfield re-use and density, and brownfield sites have been rejected during the site allocations process. Proposals for development on those sites would therefore be contrary to the Local Plan, leading to refusal unless the Plan can be shown to be out-of-date. This potentially puts the Local Plan directly at odds with NPPF2018.
- 2.6 NPPF2018 para 48 states: *“Local Planning Authorities may give weight to relevant policies in emerging plans according to...the degree of consistency of the relevant policies in the emerging plan to this Framework.”* If the soundness of the Local Plan has been assessed against NPPF2012, but is at odds with NPPF2018, then in the case of planning applications being determined before the adoption of the Local Plan, but now that NPPF2018 is a material consideration for development management, this has the effect of giving the emerging plan reduced weight. Therefore, by the time the Local Plan is adopted, it is highly likely that proposals will already have been determined on the basis of NPPF2018.
- 2.7 The Public Examination will take place during 2019, and it is likely to be at least late in 2019 before the Plan is adopted. By this time, NPPF2018 will have been in effect for over a year. In the event that the plan could be found sound and adopted without recourse to NPPF2018 under these circumstances, it could only conceivably be on the basis of an immediate review. This would add further delay and uncertainty to the planning process, especially considering the substantially different approach to development viability outlined in NPPF2018 compared to its predecessor; and because the revised NPPG on viability takes effect immediately.
- 2.8 In our view, these factors combine to make it inevitable that the Plan should be evaluated against NPPF2018, in addition to NPPF2012.
- 3. What are the implications for the Plan of ensuring consistency with NPPF2018?**
- 3.1 Our interpretation is that consistency with NPPF2018 does not compromise consistency with NPPF2012; in that sense they are compatible. However, it is very
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possible for a Plan to be consistent with NPPF2012 but fall well short against NPPF2018, and this is the problem for the Calderdale Plan as drafted.

- 3.2 Publication Draft Plan para 6.53 explains that, despite consistently high brownfield development rates historically, *“this success has however reduced the potential supply of brownfield land that can be demonstrated to come forward as part of the Local Plan allocations, in terms of their availability, deliverability, achievability and viability.”* The result is that brownfield sites have been rejected as allocations, and a very low windfall allowance is proposed.

Without further analysis it is not possible for this approach to demonstrate compliance with NPPF2018, against the following requirements:

- 3.3

Para 117 *“Planning policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”*

Para 118, *“Planning policies and decisions should....(c) give substantial weight to the value of using suitable brownfield land...and support appropriate opportunities to remediate [it].”*

Para 119, *“Local Planning Authorities...should take a pro-active role in identifying and helping to bring forward [brownfield land].”*

- 3.4 The Plan’s current approach expressly rejects brownfield sites as a contributor to land supply, at least in part, on the basis of their viability. However, NPPG now describes a typology-based approach to viability assessment, and at ID: 10-010-20180724 the guidance states: *“In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.”* It is clear that this is a very different basis for considering the viability of brownfield sites compared to that which has informed the draft Plan: the purchase price of the land is no longer a consideration; and there is a principle of balancing developer risk against public benefit. NPPF2018 explicitly supports the public benefit that accrues from re-using brownfield land efficiently, and affords it substantial weight.
- 3.5 We can therefore see that, by writing brownfield land off in one paragraph as a source of land supply, the draft Plan is profoundly at odds with NPPF2018’s approach to brownfield land and to the weight that viability should be afforded compared to public benefit.
- 3.6 This has major repercussions for the draft Plan’s reliance on strategic sites to the east and south of Brighouse for around one-third of the new land allocation. The inconsistencies here relate to the sustainability of the location, the approach to housing density, and consequently to the justification for Green Belt release.
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- 3.8 NPPF2018 para 103: *“The planning system should actively manage patterns of growth in support of [para 102] objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of travel modes.”* CPRE’s evidence elsewhere in our response to this consultation demonstrates that the strategic sites (‘Garden Suburbs’) perform very poorly against this requirement.
- 3.9 NPPF2018 para 123: *“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important...[They] should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average residential densities within these areas...”*
- 3.10 If the Council is confident that the Garden Suburbs will be well served by public transport, then it is clear they should be pursuing higher densities (by our recommendation around double the 26dpha currently proposed). If they will not be well served by public transport, then there is no justification for their allocation as the biggest contributors to the land supply in the Plan.
- 3.11 Taking the issues of traffic growth, sustainable location and housing density together, it is plainly evident that the Garden Suburbs fail the requirements of NPPF2018 for sustainable strategic-scale development. As such, they fall catastrophically short of the tests of exceptional circumstances for Green belt changes, as set out in NPPF2018 para 137:
- “Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:*
- a) makes as much use as possible of suitable brownfield sites and underutilised land;*
 - b) optimises the density of development in line with the policies in chapter 11 of this Framework, 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*
 - c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”*

4. Conclusion

- 4.1 The Calderdale Plan must be evaluated against NPPF2018. This is partly to avoid practical risks arising from development management decisions being taken, even before the Plan is adopted, that are informed by a more up-to-date policy framework than that on which the Plan has been assessed. More importantly, it is clear that the draft Plan's approach to re-using brownfield land, increasing residential densities, and considering the viability of development, are all outmoded and are against both the spirit and the letter of NPPF2018. As a result, the Plan's spatial approach, especially in regard to the Garden Suburbs, are unsustainable when assessed against current national planning policy and guidance, and in this context it is impossible to conclude that the proposed Green Belt changes would deliver sustainable development.

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