



# PINS NOTE 03/2018r1

To: All Inspectors, All Examining Inspectors, All Casework Managers

Relevancy: Planning casework, Local Plans (both England only)

Date of Issue: 05 March 2018

Review Date: Upon publication of final revised NPPF

Last Updated: 3 April 2018: Providing links to the draft Planning Practice Guidance and the Housing Delivery Test Methodology.

## Draft Revised National Planning Policy Framework

### Action

1. On **5 March 2018** the Government published the consultation draft of the revised National Planning Policy Framework (NPPF) which had been signalled through the Housing White Paper "Fixing our broken housing market"<sup>1</sup> and the follow-on consultation "Planning for the right homes in the right places"<sup>2</sup>. The draft revised NPPF is subject to further consultation, running for a period of 9½ weeks from 5 March until **10 May 2018**. Transitional arrangements also form part of the consultation but are themselves not yet in place.
2. Alongside the publication of the draft revised NPPF, the Government has today published its response to the two earlier consultations resulting from the Housing White Paper: [Fixing our broken housing market: consultation outcome](#); and [Planning for the right homes in the right places: consultation outcome](#).
3. Additionally, Government has now published, for reference, [draft planning practice guidance](#) to accompany the revised Framework and the [draft measurement rulebook for the proposed new housing delivery test](#). The draft PPG text covers viability, housing delivery, Local Housing Need Assessment, Neighbourhood Plans, plan-making, and build-to-rent.

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<sup>1</sup> See PINS Note 01/2017

<sup>2</sup> See PINS Note 11/2017

4. Inspectors should familiarise themselves with the text of the draft revised NPPF and the extent of consultation. The following section lays out what action may be required in each area of casework. This PINS Note will be updated in due course to provide further detail on the changes, and when the final version is published.

### **Appeals Casework**

5. The draft Framework is a consultation document and not extant government policy and its content could therefore change. Any weight it attracts should be judged and attributed accordingly. It is anticipated that Inspectors should not need to seek the views of parties on the implications of the consultation draft, though there may be very limited specific circumstances where this is considered appropriate.
6. Where in those limited circumstances, an Inspector decides that an opportunity to comment should be offered, s/he should ask the case officer to contact the relevant parties and set a period of not more than 7 working days to respond. See Annexe A for suggested text.
7. It is not expected that it would be necessary to consider the re-opening of a Hearing or Inquiry based on the consultation draft or upon comments received in relation to its content though Inspectors should consider each case on its merits. Discussion with your SGL should be undertaken where a course of action is unclear.
8. In the event that parties submit unsolicited (late) representations on the basis that the content of the revised draft NPPF has a bearing on their case please consider the existing advice on 'late evidence and representations' contained within the Inspector Training Manual<sup>3</sup>. If an Inspector is minded to accept then an opportunity for other parties to the appeal to comment must be provided.

### **Local Plan Examinations**

9. The purpose of the examination is to test whether the plan has been prepared in accordance with the legal requirements and is sound. The current criteria for soundness are set out in paragraph 182 NPPF.
10. Within the draft revised NPPF, the Government has set out its proposed Transitional Arrangements. Transitional arrangements have been proposed which apply the previous (current) Framework to plans which are submitted (or where the Secretary of State directs a local planning authority to publish or submit a plan within a specified time period) before the date of publication of the new Framework. These arrangements are themselves subject to further

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<sup>3</sup> Advice within Annexe 1 of The approach to decision-making chapter – "Late representations and evidence"

consultation. Consequently, in most circumstances, it is unlikely that the Inspector will need to seek a view from the LPA on the implications of the draft NPPF on the current examination.

11. If you would like to discuss the most appropriate approach, please contact your SGL or local plan mentor in the first instance and/or, if necessary the GM (Plans). If the LPA advises that it would like the examination to continue in line with the proposed transitional arrangements, it is unlikely that any further actions will be necessary.
12. As previously advised to Inspectors, the transitional arrangements that will apply for the new methodology for calculating local housing need mean that the standard method will not apply<sup>4</sup> to plans submitted for examination before the publication of the final revised NPPF.

### **National Infrastructure**

13. The NPPF is important and relevant in National Infrastructure work but where there is a designated National Policy Statement (NPS) this will take precedent unless the NPS itself refers to the NPPF. Unless any specific changes to the draft NPPF are a significant matter in the current examination then it will not be necessary to revisit matters in the examination but if you have a hearing planned or written questions being issued then it may be helpful to include a reference to the draft in general terms.

### **Background**

14. This revision of the National Planning Policy Framework implements around 80 reforms announced in 2017 through the Housing White Paper "Fixing our broken housing market" and then through the subsequent consultation document "Planning for the right homes in the right places" on 14 September, as well as proposals set out within the Autumn 2017 Budget. The consultation draft revised NPPF represents a substantial re-draft of the current Framework.
15. Alongside the draft National Planning Policy Framework, Government will also be publishing draft associated guidance, and indicative Housing Delivery Test results. The aim is to revise all supporting guidance alongside the final version of the National Planning Policy Framework.

### **Contacts for further information**

16. Please contact XXXX if you have any general queries on this Note.
17. In the first instance please contact your SGL or Local Plans mentor for advice on specific appeal and local plan casework, as appropriate. If necessary, queries may be escalated further for a

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<sup>4</sup> See Dear CPO Letter (30 January 2018) - Local Housing Need transitional arrangements

GM view (SGLs/Local Plans mentors should contact XXXX to arrange in those circumstances). Non-salaried Inspectors should approach XXXX with any queries in the first instance, on which XXXX will liaise with XXXX.

**Publication of the draft revised National Planning Policy Framework (NPPF)**

I refer to publication of the draft revised National Planning Policy Framework (NPPF) on 5 March 2018. The Inspector appointed to determine this appeal has asked me to write to you to ask whether, in light of its publication, <you wish><your Council wishes> to make any comments as to whether this [and insert specific part if necessary] has any bearing on the appeal.

I would be grateful for your written response within 7 working days of the date of this letter.

A similar letter has been sent to <the appellant><the Council>, and <the appellant><the Council> should be copied into your response.