

Annex 1- Implications of the NPPF consultation

Section or paragraph	Change	TMBC implications (if implemented as currently drafted)	Local Plan commitments to date	Further work required	Further Cost	Timing changes	Red Amber Green (RAG) ¹
Document: Tracked changes NPPF consultation document							
Timescale for implementation: Spring 2023							
Paragraph 11	Meeting housing need in full should not be at the expense of building at densities which would be significantly out-of-character with the existing area	<p>The council would be able to put together a case relating to appropriate densities are being achieved, even if this means not meeting housing need.</p> <p>The expectation would be characterisation work would be utilised to support such arguments.</p>	The Placemaker software uses several criteria to make assumptions around appropriate densities by location. These assumptions were included within the site list at Appendix B to the Regulation 18 local plan.	<p>Dependent on the outcomes of housing number decisions as per below (Chapter 5).</p> <p>A Characterisation Study would be required as a precursor to Design Coding. To gain maximum benefit from this evidence it would be prudent to bring forward the production of this evidence to supplement and build upon the assumptions within the Placemaker software.</p>	No	Yes	A
Paragraph 35	Amendments to the 'tests of soundness' including wording that a local plan should seek to meet needs 'as much as is possible' and removal of the 'justified' test which currently reads as 'an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence'	<p>This would reduce the evidence base burden for all local planning authorities however the degree to which this reduces the time and cost is still unknown.</p> <p>The council would still be required to consider the reasonable alternatives through the Sustainability Appraisal process.</p>	We have committed to several evidence base studies to support the local plan.	Evidence around the degree to which it is possible to meet needs would be required, depending on decisions as below (Chapter 13)	No	No	A
Chapter 5	The standard method would be an 'advisory starting-point for establishing a housing requirement for the area'	<p>The council would be able to set a housing delivery target below the Objectively Assessed Needs (OAN) for the area, subject to relevant justification through evidence.</p> <p>The changes allow local authorities to set local housing requirements that respond to demographic and affordability pressures while being realistic given local constraints.</p>	The Regulation 18 Local Plan made a commitment to meeting our needs in full- in fact consultation questions included options to meet in full, and meet OAN +10%	Any change to the housing numbers would require re-assessment within the Sustainability Appraisal (SA), further scenarios within the Economic Development Needs Study, and a review of elements of the Housing Market Delivery Study.	Yes	Yes	A

¹ Red- major amendment to scope and/or timing with significant costs; Amber-some amendments with some marginal costs; Green-no amendments required

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Paragraphs 75- 77	Changes to the five-year housing land supply which make it easier for a local planning authority with an out-of-date plan to demonstrate compliance, through removal of the buffers (between 5 and 20%), and the presumption in favour of sustainable development will no longer apply where permissions have been granted for 115% of the housing delivery target over the relevant period	The latest Housing Land Supply position sets out that, based upon the housing need of 835 dpa plus a 20% buffer, the Council is able to demonstrate 3.22 years of housing land supply. Without the buffer this would amount to approximately 3.86 years' supply. This would mean that the 'tilted balance' would be less likely to be triggered if this trend were to be continued. The ability to factor in permissions granted would also make it easier to demonstrate a supply.	n/a	The housing land supply position would be based upon the new methodology.	No	No	G
Chapter 13	Local planning authorities would not be required to review and alter Green Belt boundaries if this would be the only way of meeting housing need in full	There would be no compelling need for the local plan process to consider making alterations to existing Green Belt boundaries to help address housing need. This could affect the spatial strategy in the plan, including how development allocations are distributed across the borough and how much land is allocated for housing. Decisions would need to be mindful of the consequences for sustainable development across the borough.	An exceptional circumstances (strategic) note was prepared and published alongside the Regulation 18 local plan. This concluded that TMBC does have a good strategic exceptional circumstances case for altering the Green Belt boundaries to help meet the assessed development needs. This was informed by evidence on acute housing affordability, undersupply of housing, and limited opportunities within existing built-up areas. Parcels of Green Belt land at the boundaries of the designation have been identified for future assessment, if required.	An assessment of the potential to address housing needs beyond the outer Green Belt boundary and within existing settlements not washed over by the designation may need consideration. This would look at the consequences for sustainable development, given the influences of two Housing Market Areas (HMAs) across the borough and would be tested by other evidence, including the transport modelling. If required, an assessment of parcels of Green Belt land at the boundaries of the designation against the purposes in the NPPF could still be undertaken within the context of the exceptional circumstances (strategic) note and the need for the local plan to promote sustainable development across the borough.	Yes	Yes	R
Introduction of new document- National Development Management Policies Timescale- Further consultation following passage of the Bill (anticipated spring 2023)							
National Development Management Policies (NDMP)	National Development Management Policies would fall within 3 broad categories:	To scope and focus of the local plan would be narrowed to deal with strategic and site-specific	The Regulation 18 local plan included issues and matters	Detailed comment on the technical consultation relation to the NDMP	Yes	Yes	R

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	<p>-Existing policies aimed at decision-making already provided within the NPPF, subject to these being reviewed on a case-by-case basis for clear rationale</p> <p>-Selective new additions to reflect new national priorities, for example net zero policies that it would be difficult to develop evidence to support at a district level, but which are nationally important</p> <p>-Selective new additions to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making (e.g. carbon reduction in new development, allotments, housing in town centres and built-up areas)</p>	<p>matters whilst removing the need to set out generic issues such as policies for protecting the Green Belt and would not include development management policies except on particular local issues (if any).</p> <p>The plan-preparation process would be swifter- a 30-month timetable</p> <p>The framework of common national policies would be able to guide decisions even if the local plan is significantly out-of-date and cannot be relied upon. For example, they will ensure that national protections for things safeguarded solely through planning policy e.g. local wildlife sites. This would have clear statutory status equivalent to an up-to-date plan and would be used in planning decisions.</p>	<p>which would fall within the scope of future NDMPs.</p>	<p>document will be required and brought to members</p> <p>Once published a review of the scope of the emerging policies to ensure relevance/compliance with the NDMPs</p>			
Other references- Chapter 12 of the 'prospectus'							
Timescale- Further consultation in 2023							
Achieving sustainable development	<p>Amendments to reflect the importance of fostering beautiful places, better environmental and health outcomes, delivering appropriate infrastructure (including sustainable transport provision) and effective community engagement, in the wider context of promoting levelling up.</p> <p>The presumption in favour of sustainable development may</p>	<p>Enhanced emphasis on design, health and well-being and sustainable infrastructure provision</p>	<p>Design work already required, health impact assessment being commissioned.</p> <p>n/a</p>	<p>Further integration or re-focussing of existing and planned evidence base documents in relation to achieving these shared outcomes. Opportunities to focus more heavily on health and wellbeing.</p> <p>n/a</p>	<p>No</p> <p>Yes</p>	<p>No</p> <p>Yes</p>	<p>G</p> <p>A</p>

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	<p>need amending to reflect the introduction of National Development Management Policies (once designated).</p> <p>Aligning the NPPF with the Environment Act and how to make government's priorities for the environment clear and to ensure these are given sufficient weight.</p>	<p>This would be relevant if and when the 'tilted-balance' applies.</p> <p>Enhanced emphasis on nature and biodiversity in decision taking. Local Plan Policy needed on Biodiversity Net Gain. Implications are wider than the Local Plan.</p>	None.	<p>Awaiting secondary legislation. Potential for a Green infrastructure Strategy for the borough outlining biodiversity assets and potential.</p>			
Plan-making	<p>-Replacing the statutory duty to cooperate (which would be abolished by the Bill) with a new 'Alignment Policy' to secure appropriate engagement between authorities where strategic planning considerations cut across boundaries. This will be tested at Examination and, importantly, unlike the current system authorities and Inspectors would have the ability to amend Plans to improve alignment;</p> <p>- any changes to the 'soundness' tests for assessing draft plans which may be appropriate so that plan examinations are proportionate;</p> <p>- how infrastructure delivery strategies are to be prepared;</p> <p>- the importance of effective community engagement in plan-making, including through digital means;</p>	<p>Would only become relevant if we were to progress on the basis of the new arrangements - see Annex 2. Under current system the duty to Cooperate would still apply, however amendments relating to housing targets as above would mean that discussions around asking others to assist in meeting unmet need may fall away.</p> <p>This may have implications on the scope of the evidence base required to support the local plan.</p> <p>Infrastructure Delivery Strategies would replace Infrastructure Delivery Plans</p> <p>Commitments around digital planning have already been made in the Planning White</p>	<p>n/a</p> <p>We have made already prepared some evidence to support the Regulation 18 local plan and committed to other pieces of work</p> <p>Work on the IDP is underway, however it is assumed that this would be able to be converted into a new IDS through following the new arrangements.</p> <p>This would present an opportunity as we seek to re-procure our consultation portal.</p>	<p>Review of the process required once details emerge.</p> <p>A review of the existing and proposed evidence base. To ensure it is up to date at time of commencement of work and for a new style local plan (if applicable)</p> <p>Would form part of existing infrastructure workstream.</p> <p>Existing digital planning and engagement workstream underway.</p>	Yes	Yes	R

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	<p>- taking Neighbourhood Priorities Statements into account when preparing local plans; and</p> <p>- other procedural changes to plan-making, including a fixed timetable for local plan production, the role of gateway checks, new data standards, streamlined evidence requirements and the introduction of Environmental Outcome Reports.</p> <p>- encouraging wider uptake of strategic planning to understand and resolve environmental issues in a joined up way. Strategic planning also needs to consider rural communities to ensure that local policies are tailored to their different needs.</p>	<p>Paper so was already under consideration.</p> <p>This may replace the Parish Infrastructure Statements which are currently compiled for S106 spend.</p> <p>Would only become relevant under new arrangements. See Annex 2 for options. This could potentially ensure that more local plan make it through to adoption. The Environmental Outcome Reports will be the replacement for the SA/SEA process which was enshrined within European law.</p> <p>It is presumed this relates to enhancing participation in plan-making, and may set some specific requirements in relation to more rural areas.</p>	<p>n/a</p> <p>If proceeding under new arrangements this would become relevant- see Annex 2. The SA process would need amending to reflect new approach.</p> <p>n/a</p>	<p>Review of the process required once details emerge.</p> <p>Development of a new LDS, timing and process required once details emerge.</p> <p>Review of the process required once details emerge.</p>			
Decision-making	Changes to reflect the role of National Development Management Policies in decision-making, the introduction of Environmental Outcome Reports for assessing relevant development proposals, the importance of digital methods of community engagement, and to place greater emphasis on planning enforcement, with increased weight against intentional unauthorised development.	Planning decisions would need to reflect these new Development Management Policies in addition to, or instead of, local policies. It is assumed that the Environmental Outcome Reports would replace EIR.	n/a	Development Management to review its decision-making and enforcement processes.	No	No	G
Delivering a sufficient supply of homes	-Strengthening control over the build-out of sites with permission for residential development;	Decision-taking on planning applications would need to consider conditions on build-out plans and rates.	None because these are potential future changes to the NPPF that are likely to materialise later in 2023.	Development Management to investigate how these objectives can be captured as part of the decision-making process for	No	No	G

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	<p>-Enshrine commitment to lifting the 5-year housing supply requirement where plans are fewer than 5 years old; and</p> <p>-Carry forward the more immediate changes proposed within NPPF tracked changes version</p>	<p>Need to establish monitoring system to keep check of annual reports from developers on the build-out of their permitted schemes and how these relate to commitments in agreed build-out plans.</p> <p>Removing the need for a rolling 5-year housing supply requirement where adopted local plans are up-to-date is an incentive to move forward with pace with plan-making.</p>	<p>The policy team has produced and annually reviews an action plan on housing delivery in response to the Housing Delivery Test measurements published by the government.</p>	<p>planning applications and how this can be effectively monitored on an annual basis, following the grant of planning permission.</p> <p>Anticipate further details from the government through secondary legislation supporting the Levelling Up and Regeneration Bill (after Royal Assent, Spring 2023) and possibly planning practice guidance.</p> <p>Reflecting within monitoring practices.</p>			
Building a strong, competitive economy	<p>A more positive framework for supporting economic development, including reviewing the approach to supporting employment land, and the consideration of supply chain and connectivity issues, including responding to information gathered as part of the Future of Freight Call for Evidence.</p>	<p>The completion of the commissioned Economic Development Needs Study (EDNS) remains relevant in responding to the proposed NPPF Change. Any approach/methodology changes regarding the assessment of employment land will need to be taken into consideration in progressing part 2 of the study.</p> <p>The future of freight call for evidence may have implications for the borough given the volume of movements on strategic roads and demand for lorry parking in Kent and should be monitored.</p>	<p>None. The allocation of employment land will be progressed in more detail at the reg19 stage of plan making. This will include relevant draft policies which safeguard existing employment sites as well as support new development, in addition to strategic allocations which respond to need identified in the EDNS.</p>	<p>Any amendment to the scope of the second stage of the EDNS should be discussed with the appointed consultants.</p>	No	No	G
Ensuring the vitality of town centres	<p>Review of the approach to town centre and out-of-centre development in the light of the Use Class Order changes.</p>	<p>A retail needs assessment is to be included in the second part of the EDNS. Any further detail provided in terms of the change in approach to town centre vs edge-of-centre development will need to be</p>	<p>None. Relevant policies and site allocations will be included in the reg19 Plan as appropriate.</p>	<p>As above.</p>	No	No	G

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		reflected in the evidence base recommendations and draft Local Plan policies.					
Promoting sustainable transport	<p>Changes required to reflect the government's commitment to encouraging active travel through the 'Gear Change' programme, the forthcoming update to Local Transport Plan's Guidance, any update to Manual for Streets and wider work to reduce carbon consumption from transport planning choices as set out in the Transport Decarbonisation Plan.</p> <p>Review policy on the freight sector and supply chains infrastructure, such as lorry parking, warehouse space and rail freight hubs. Drawing on findings from the government's 'Future of Freight' call for evidence which will be launched in due course.</p>	<p>The completion of the LCWIP and related sustainable transport policies are of growing importance to ensure that future development in the borough provides residents with mode choice through the provision of appropriate walking and cycling infrastructure, as well as access to rail and bus connectivity.</p> <p>The provision of lorry parking is not a borough responsibility, but this has long been pressure for better facilities in the borough given the convergence of strategic roads in the north.</p>	<p>There was a draft policy in the withdrawn Local Plan LP23. An LCWIP was not however embedded as evidence and there was no specific policy on active travel.</p> <p>LTP5 will provide an important policy steer but this is currently delayed.</p> <p>KCC and National Highways to provide a steer on this, as well as Freight UK and the Road Haulage Association. Lorry parking at laybys and junctions overnight is an everyday problem.</p>	<p>Funding required to complete the LCWIP once growth and spatial strategies have been confirmed.</p> <p>Research required into best practice Local Plan policy approaches, this can be desk based. Engage with Active Travel England.</p> <p>Engagement with partners and site promoters should conclude if there is demand for a facility(ies). A potentially controversial matter if additional land is required in the borough.</p>	<p>Yes</p> <p>No</p>	<p>No</p>	<p>A</p>
Achieving well-designed places	Changes to reflect provisions in the Bill on mandatory authority wide design codes and supplementary plans.	<p>Prioritisation of design code work, including commissioning of characterisation work</p> <p>Resourcing/staff implications.</p>	Reference to good design and preparation of a design code.	<p>Commissioning of a Characterisation Study and Design Code/s.</p> <p>Consider resourcing.</p>	<p>No</p>	<p>Yes</p>	<p>A</p>
Protecting Green Belt land	Amendments to bring forward measures to 'green' the Green Belt, to improve its environmental and recreational value.	<p>Enhancement of the biodiversity value of the Green Belt supported by a Local Nature Recovery Strategy reflected in plan-making.</p> <p>Decision-taking on applications for the redevelopment of existing sites in the Green Belt will need to consider how the environmental and recreational value of the designation could be improved.</p>	None to-date because this has not been the focus of existing national policy on the Green Belt.	<p>Work with Kent County Council on the preparation of the Local Nature Recovery Strategy (LNRS) for the county and how it can deliver the objective of greening the Green Belt.</p> <p>Anticipate secondary legislation supporting the Environment Act to provide more details on how LNRSs are prepared.</p> <p>Potential need for a Green Infrastructure strategy that includes</p>	<p>Yes</p>	<p>Yes</p>	<p>A</p>

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		<p>Need to review management plans for TMBC-owned land within the Green Belt to help deliver the objectives.</p> <p>Potential implications for public rights of way and how these can improve access to the natural beauty of the Green Belt, although this is a matter for Kent County Council as the lead authority.</p>		an assessment of the current biodiversity value of the Green Belt and opportunities for enhancements.			
Meeting the challenge of climate change, flooding and coastal change	Changes to reflect and incorporate the immediate proposals being consulted on currently and any further changes needed to make sure that national policy goes as far as possible in addressing climate change.	<p>Requirement to approve applications (Development Management) for the repowering and life-extension of existing renewables sites where its impacts are or can be made acceptable.</p> <p>A greater emphasis to support Development Management proposals for energy efficiency improvements through adaptations of existing buildings (where these do not already benefit from Permitted Development rights).</p>	<p>A Local Plan commitment to achieving Sustainable patterns of development.</p> <p>A Level 1 Strategic Flood Risk Assessment (SFRA) is already being prepared which takes account of climate change and coastal/river change.</p> <p>Habitats Regulation Assessment and Air Quality Assessment is planned.</p> <p>Green Infrastructure and Biodiversity Assessment including Tree Canopy Coverage (to be confirmed).</p> <p>Statutory Biodiversity Net Gain requirements.</p>	It is anticipated that Level 2 SFRA will be required- already in work programme.	Yes	No	A
Conserving and enhancing the natural environment	<p>-Set out how Local Nature Recovery Strategies, introduced by the Environment Act, should be given weight in the plan-making process;</p> <p>- reflect updated guidance on addressing nutrient pollution, including expectations on</p>	<p>Local Plan will need updating to reflect this requirement. KCC to prepare the LNRS. Awaiting secondary legislation to provide the detail for the LNRS.</p> <p>Nutrient Neutrality is not an identified issue in TMBC.</p>	<p>None.</p> <p>n/a</p>	<p>Potential for a Green infrastructure Strategy for the borough outlining biodiversity assets and potential. This could feed into the countywide LNRS.</p> <p>n/a</p>	<p>Yes</p> <p>No</p>	<p>Yes</p> <p>No</p>	<p>A</p> <p>G</p>

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	<p>strategic mitigation in sensitive catchment areas;</p> <p>- reflect a review of policy on ancient woodland, as agreed in the passage of the Environment Act 2021;</p> <p>- reflect the introduction of mandatory Biodiversity Net Gain from 2023;</p> <p>-incorporate nature into development through better planning for green infrastructure and nature-friendly buildings.</p>	<p>Local Plan, Development Management planning decisions and enforcement would need to reflect any changes.</p> <p>Enhanced emphasis on biodiversity in validation, decision taking and monitoring. Local Plan Policy needed on Biodiversity Net Gain. Implications are wider than the Local Plan.</p> <p>Enhanced emphasis on nature in decision taking.</p>	<p>Ancient Woodland Survey carried out for TMBC in 2010.</p> <p>Reg 18 LP considered potential for a higher than 10% target.</p>	<p>None</p> <p>Potential for a Green infrastructure Strategy for the borough to identify potential locations for BNG in advance of/and to feed into the countywide LNRS. Higher % target will need to be viability tested.</p> <p>Potential for a Green infrastructure Strategy for the borough outlining biodiversity assets and potential.</p>	<p>No</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>Yes</p> <p>Yes</p>	<p>G</p> <p>A</p> <p>A</p>
Conserving and enhancing the historic environment	Amendments to reflect the changed status of some historic designations through the Bill	Local Plan site allocations, Development Management planning decisions and enforcement would need to reflect the new changed status of the historic designations.	A Heritage Strategy is currently being prepared for the Local Plan evidence base which sets out a positive strategy for the conservation and enjoyment of the historic environment.	<p>A review and update (if required) of the Heritage Strategy.</p> <p>Planning Policy, Development Management and enforcement would have to review their decision-making processes.</p>	Yes	No	A