

The National Planning Policy Framework (NPPF) Consultation – Important issues to note

On 22nd December, the Government released its proposed text of the NPPF revisions and an associated consultation report: [Levelling-up and Regeneration Bill: reforms to national planning policy \(LURB\)](#)

An NPPF “prospectus” was long anticipated and more recently, reference was made to a revised NPPF. This consultation is both; it includes draft revised text and a proposed direction of travel for national policy flowing from the LURB’s anticipated Royal Assent in the Spring. Indeed, the Government has confirmed that a wider review of the NPPF will follow the Royal Assent of the LURB.

The following provides a brief overview of the proposed changes to the text of the NPPF and provides a brief introduction to the concepts of National Development Management Policies. Finally, the Ridge view of the impact of the proposed planning reforms upon the housing crisis will be discussed.

In summary, the LURB consultation:

- Sets out the initial amendments to the NPPF
- Discusses the potential scope of a future NPPF consultation, to be carried out alongside a consultation on the first National Development Management policies
- Proposes other policies and legislation that would be enabled by Royal Assent of the Levelling Up and Regeneration Bill
- Includes policy and legislation related to other primary legislation and topics
- Comments are being sought up to 2nd March 2023 and the Government intends to respond to the consultation in Spring 2023, publishing the Framework revisions as part of this, so that policy changes can take effect as soon as possible.

The main issues raised in the proposed reforms are summarised below:

National housing targets

From the outset, it is important to note that the Government remains committed to 300,000 homes per year by the mid-2020s.

Five Year Housing Land Supply

Removal of requirement for LPAs to continually demonstrate a deliverable five-year housing land supply, providing its housing requirement in its strategic policies is less than five-year years old.

Transition arrangements for both plan making and decision making are proposed. Any LPAs which have been subject to a Regulation 18 or 19 consultation for plan making will only need to demonstrate four years of housing supply for a period of up to two years. A timeline for the transition to the reformed plan-making system is proposed following anticipated Royal Assent of the Bill.

Local authorities will be allowed to include historic oversupply in their five-year housing land supply calculations.

Plan Making

Authorities will be required to commence work on new plans by, at the latest, five years after adoption of their previous plan, and to adopt that new plan within 30 months.

There will be a deadline of 30th June 2025 for authorities to submit their 'old-style' plans. After this cut off date, authorities will need to prepare plans under the new plan-making system.

Plans that will become more than five years old during the first 30 months of the new system, will continue to be considered 'up-to-date' for decision making purposes for 30 months after the new system starts.

There are to be changes to the tests of soundness for plan-making, specifically, the removal of the 'justified' test and amendments to the 'positively prepared' test.

Instead, the examination would assess whether the LPAs proposed target meets need 'so far as possible', takes into account other policies in the NPPF and will be effective and deliverable. Furthermore, the requirement to satisfy unmet need from neighbouring authorities will be removed.

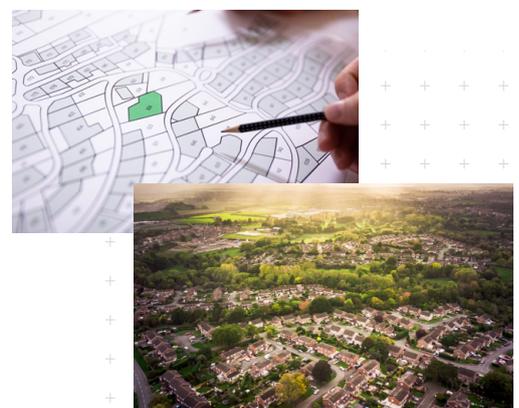
Housing Need Assessment and application of resulting figures

Confirmation that the standard methodology is an advisory starting point for establishing a housing requirement and that the methodology incorporates an uplift of 35% to the assessed housing need for the top 20 cities/urban centres (this is already in the NPPG). This uplift should be accommodated within cities/urban centres prioritising brownfield/under-utilised urban sites.

When establishing housing need, reference to older people is proposed to be widened to include retirement housing, housing with care and care homes.

As above, past over-delivery can be deducted from the housing requirement figure in a new plan.

The need to avoid development which would be uncharacteristically dense for the area can outweigh the requirement to meet local housing need. This calculation should be made considering the principles in local design guides or codes.



Measures to tackle slow build out of permissions

Outside of proposed revisions to the NPPF, reference is made to past 'irresponsible planning behaviour' by applicants, who could, in future, be taken into account when applications are being determined. Furthermore, Government data will be published on developers of sites over a certain size who fail to build out according to their commitments. Delivery will therefore become a material consideration in planning applications.

Transition arrangements for both plan making and decision making are proposed. Any LPAs which have been subject to a Regulation 18 or 19 consultation for plan making will only need to demonstrate four years of housing supply for a period of up to two years. A timeline for the transition to the reformed plan-making system is proposed following anticipated Royal Assent of the Bill.

Local authorities will be allowed to include historic oversupply in their five-year housing land supply calculations.

Duty to co-operate

This duty will remain be replaced with an as yet unformulated 'alignment policy'. The duty will remain in place until those provision come into effect.

Neighbourhood Plans

The status of Neighbourhood Plans are to be boosted by strengthening their protection against paragraph 11d arguments ("the tilted balance"). This will be achieved by removing any test against housing supply or delivery and extending the development plan protection period from 2 to 5 years, in the test of whether adverse impacts are likely to significantly and demonstrably outweigh the benefits of development.

Green Belt

There will be greater protection for the Green Belt in plan-making terms through stating that Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively

assessed need for housing over the plan period. There is no proposed change to development in the Green Belt and the very special circumstances test and how this is applied to planning applications.

Renewable Energy

Reference is made to approving extended duration of existing renewable development where its impacts are or can be made acceptable. A new para 161 of the NPPF will ensure that significant weight is to be afforded to energy efficiency improvements to existing buildings. Onshore wind power schemes would, in the future, be given the go ahead on undesignated sites in a local plan. Furthermore, replacing old turbines with more powerful and efficient models will be made easier.

Climate change/biodiversity

A review will be undertaken of the current degradation provisions for Biodiversity Net Gain to reduce the risk of habitat clearances prior to the submission of planning applications.

The possibility of embedding a broad form of carbon assessment in planning policy will be explored.

Policy and guidance in relation to the production of Strategic Flood Risk Assessments will be reviewed.

Beauty in Design

Throughout the revisions, reference is made to supporting 'beauty' in design and placemaking with stronger emphasis on local design codes. This is consistent with previous Government announcements.

National Development Management Policies

The consultation also sets out the justification and scope for National Development Management Policies (NDMP) which will be subject to a separate consultation. Such Policies will cover planning considerations that apply regularly in decision-making across England, such as general policies for conserving heritage assets and preventing inappropriate development in the Green Belt. The starting point for creating NDMPs would be the existing parts of the NPPF that apply to decision-making.

Our view on the proposed reforms

The proposed revisions to the NPPF are likely to have significant adverse implications for housing supply. The Government has consistently failed to meet its annual housing targets of 300,000 new homes however we at Ridge are of the opinion that it is important that this target is met to address the ever increasing impacts of the housing crisis. We are of however also of the opinion that the proposed revisions will result in further problems in meeting this need.

The Government has called for greater weight to be attached to the plan making system, but its watering down of the tests of soundness will make the whole system less robust. Furthermore, the removal of the requirement for the 5YHLS will further constrain the delivery of new homes.

We are of the opinion that the strengthening of Green Belt policy will be a 'get out clause' for those authorities to plan for below required needs. This view is demonstrated by the fact that in the light of these proposed government reforms, Mole Valley District Council has already proposed to remove Green Belt sites from the advanced draft plan. Furthermore, a number of other authorities also constrained by Green Belt land, have announced delays in their local plan to consider the next stages of their respective local plans, also citing Gove's promised change of policy. These authorities include Horsham and Teignbridge councils.

We believe that this constraint will not be offset by the requirement for the cities/urban areas uplift as it has been demonstrated that within these areas, the required homes cannot be delivered.

We are of the view that extending the public's engagement in the decision-making process represents an unnecessary layer of democracy which will create further delays in the delivery of new homes. There has always been and still remains the ability for the public to engage in both the plan making process and where planning applications are brought forward.

The Government has provided no solution to its failure to meeting its own housing targets. It has failed to adopt the strategic approach which is required for housing delivery whilst also failing to confront the climate crisis. It is considered that the proposed changes will exacerbate the housing crisis, resulting in a significant decrease in the provision of homes and will not address climate change.

There is no reference to the need to increase the resourcing of the planning system which is, in our view, required to speed up the decision-making process. Long delays in the plan making system, pre-application enquiries, planning decisions and discharging of conditions are now the norm in virtually all authorities. We believe that this is having a significant impact on the delivery of new homes.

Only minimal reference has been attributed to the importance of new sustainable settlements, which we believe is one of the ways forward in delivering new sustainable communities required by the nation, delivering not just homes but also employment land to support the businesses of the 21st Century. Such settlements offer the opportunity to incorporate 21st Century infrastructure which address issues relating to climate change and biodiversity.

In conclusion, we at Ridge are of the opinion that these reforms represent a missed opportunity for the Government to address the current issues in the planning system, support the required sustainable growth and increase resources in our local authorities.

The planning team at Ridge will be making representations to the Government's consultation on the grounds that the proposed revisions will only exacerbate the national housing crisis.

Should you wish to discuss how these reforms may impact your sites or any existing or future proposals, please contact Anne Pawsey for further information.



Anne Pawsey
Principal Planner

apawsey@ridge.co.uk