What’s in the latest NPPF

Agenda

Rosie Pearson, CPA

- About the consultation; what's important
- Bonus speaker: **Gareth Capner**, Planning Consultant

Caroline Dibden, CPA

- What the development sector & others are saying about it

Catriona Riddell – guest speaker

- Removal of Duty to Cooperate – and why strategic planning is good for communities

QUESTIONS

www.communityplanningalliance.org.uk

About the consultation

- Open consultation: Levelling-up and Regeneration Bill: reforms to national planning policy gov.uk (Search NPPF consultation 2023)

Levelling-up and Regeneration Bill: reforms to national planning policy

HTML

National Planning Policy Framework: draft text for consultation

PDF, 843 KB, 78 pages

- 2 March end date

PlanningPolicyConsultation@levellingup.gov.uk

Background

- The Levelling-up and Regeneration Bill (the Bill) is before Parliament
  - genuinely plan-led system
  - stronger voice for communities.
  - community infrastructure by developers
  - clear design standards that reflect community views
  - enhance protections for our precious environmental and heritage assets.
- But also need changes to national policy and guidance, regulations and wider support for local authorities, communities and applicants.
- Hence this consultation

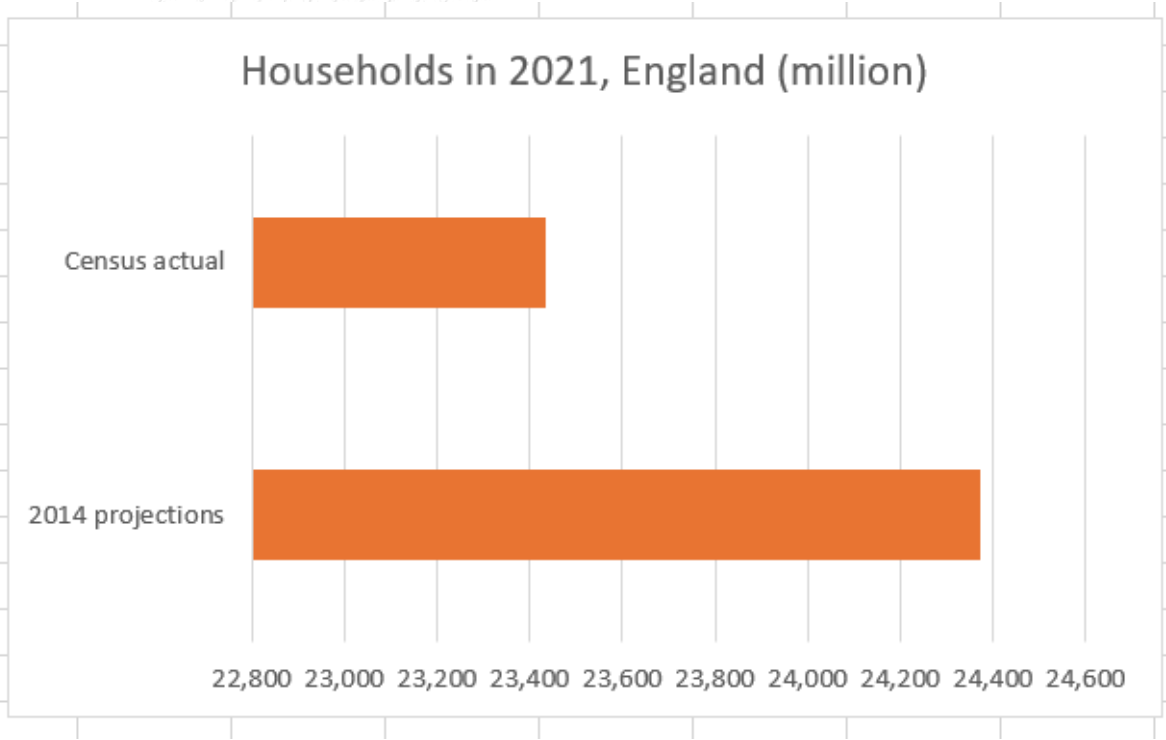
Topic of this consultation

- Updates to the National Planning Policy Framework.
- National Development Management Policies
- Policy to support levelling up
- How national planning policy is currently accessed by users.

A fuller review of the Framework will be required in due course

What's good, bad, missing:

Topic	Good	Bad	Other	Comment
Targets	Standard Method is ADVISORY. Can be down or up if characteristics justify an alternative approach	Still Standard Method; still out of date (2014)	Development industry hysterical… This was always a starting point & has only been softened.	Support ADVISORY strongly in responses BUT urge use of LATEST projections
Plan-making		SOUNDNESS TESTS: **'JUSTIFIED' has been struck out.** Plan no longer needs appropriate strategy, taking into account alternatives & based on proper evidence	DTC removed. DTC didn't work – but this leaves a vacuum. Meeting housing needs & addressing other ec, soc, env priorities	Plans **MUST BE justified.**
The presumption… para 11	• No 5ys issue if plan is up-to-date • No BUFFERS • Review 5YS when 5y old • Past over-delivery counts • Densities out of character • 'Presumption switch off' if 115% plg permissions		Urban uplift remains. Housing Delivery Test remains but: 95% = Action plan 75% = presumption (unless permissions 115%) Need can be upwards of target	VERY good news that presumption is weakened. This will help councils to plan rather than see planning by appeal & developer speculative applications.
Effective use of land	Density must be optimized…in the top 20 cities, via design codes.	Farmland only mentioned in a footnote. More to density than mansard roofs! Huge pressure on 20 cities.	In para 11 (the presumption) development can be refused if density is out of character with existing area.	Farmland must be IN THE NPPF, not just a footnote. BMV land must be avoided. Density must be optimized everywhere. Reduces land take & aids transport


Households in 2021, England (million)
Census actual
2014 projections
22,800
23,000
23,200
23,400
23,600
23,800
24,000
24,200
24,400
24,600

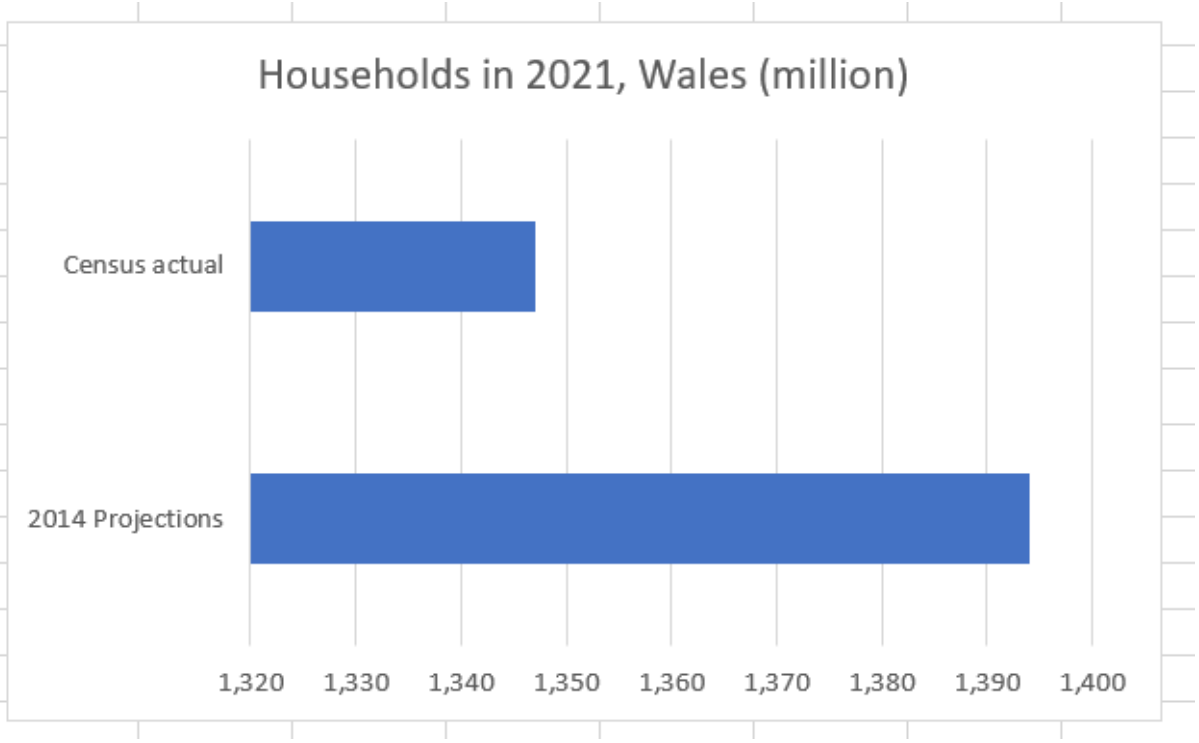

Households in 2021, Wales (million)
Census actual
2014 Projections
1,320
1,330
1,340
1,350
1,360
1,370
1,380
1,390
1,400

Table 3: Summary of UK projected outcomes, 2018-based and 2020-based NPPs

Office for National Statistics - National population projections

	2018-based	2020-based
Projected UK population in mid-2030	69.8 million	69.2 million
Projected UK population in mid-2045	72.8 million	71.0 million
UK population projected to pass 70 million	mid-2031	mid-2037
Projected old-age-dependency ratio (OADR) in mid-2045	346	341

What's good, bad, missing:

Topic	Good	Bad	Other	Comment
Brownfield	Brownfield first in top 20 cities	No brownfield first elsewhere		Brownfield first <u>everywhere</u> (when appropriate)
Green Belt	Boundaries do not have to be reviewed or altered 'if this would be the only way of meeting OAN			
Neighbourhood Plans	Para 14 –greater protections against presumption		Neighbourhood Priority Statement	
Climate	Adaptation of existing buildings		Wind farms – with community approval if in plan	
Beauty	Design codes; support beauty & place-making			
Communities	Rural housing – led by community groups to be supported		121 mentions of community/ies in 'prospectus', virtually no new mentions in amended NPPF	
Environment		Nothing in the text changes	But 6 focus areas are set out in the supporting prospectus	The 6 focus areas must be deliverable via policy

AND

- Ancient woodland protections review
- Carbon impact assessment for local plans
- Importance of energy efficiency in adaptation of buildings
- National Development Management Policies – intended to save plan-makers from repeating nationally important policies

Key areas in your response

- Welcome overall shift in emphasis towards communities: more of this!
- Housing targets: welcome 'advisory'; urge up-to-date projections; remind that Standard Method does not make housing affordable.
- Para 11 & 5 year supply: strong welcome for changes so that councils can plan, instead of being subject to speculative development & planning by appeal.
- Removal of JUSTIFIED in plan-making: strong concern, reinstate
- Mentions of brownfield, farmland, climate and density are welcomed. Need more:
  - Brownfield first policy (when suitable)
  - Protection for BMV in policy, not footnote
  - Climate – carbon impact assessment for local plans essential
  - Gentle or goldilocks density first
- Environment – the six focus areas must be clearly set out in NDMPs and NPPF and linked to Government's environmental announcement last week.

What the development sector are saying about the NPPF proposals

The developers

The planners, planning press and journalists

The consultants

The lawyers

The politicians, councils and local planning authorities

The twitterati and Facebook warriors

The Developers

British Property Federation (BPF)
- It seems like a missed opportunity to overhaul the system, increase resources for our local authorities and support growth.
Changes to housing targets will see fewer homes delivered and some areas of the country unable to meet their population growth.

Land Promoters and Developers Federation - "only likely to lead to poorer quality local plans being put in place. Plans that do not meet the need to build homes to house the families that cannot get on the housing ladder. Plans that do not allocate the land needed to facilitate economic growth and allow a place to prosper."
The UK's worsening housing crisis is rapidly becoming an unintended contraceptive. The current planning reforms……will lead to less housing delivery in those areas of the country who have the most acute affordability issues.

House Builders Federation - HBF members share frustration with the planning process which many will agree is in the worst state it's ever been.
An already miserable situation has now been worsened considerably by the Government's recent concessions to the NIMBY-leaning faction of Conservative backbench MPs.

The Planners and Planning Press

Town and Country Planning Association (TCPA) "a missed opportunity to take action on climate change, health and wellbeing"

RTPI - "welcome opportunity" for planners to inform how the government's planning reforms intend to deliver levelling up in more detail.

Housing Today - Fears raised over NPPF reform consultation.
Planning overhaul will merely entrench the 'no development' status quo.
Government's proposed new national planning policy fails to provide for an adequate supply of homes and is a dereliction of duty.
We need a lot of new homes - six million of them.

Planning Resource - 39 things you need to know about the government's NPPF consultation.
Proposed national policy changes weaken the link between the government's local housing need figures and councils' local plan homes targets…..which is likely to see the latter figure decrease in most cases.

The Non-planning Press

The Consultants

LICHFIELDS

Local authorities have been putting off their local plans. In the short term, this [consultation] is likely to put the brakes on in many areas.
The NPPF amendments introduce a set of caveats that set LPAs a requirement to deliver sufficient homes only ‘so far as possible’. If they pass, it will significantly reduce the number of homes being delivered.

More authorities are likely to “pause, halt and review” their existing draft plans. We’ll see further paralysis in green belt authorities.

savills

We are likely to see emerging local plan housing requirements in green belt areas that are significantly below the identified housing need.

BARTON WILLMORE now Stantec

The lack of a method for cross-border co-operation, given the new policies, is a big problem. You’ll be in a situation where authority A says: ‘We’re the most beautiful area in the country and can’t possibly accommodate a single extra home,’ and authority B says exactly the same. And then you’re stuck.
The upshot from the changes will be a “dramatic watering down” of the existing five-year land supply regime.

The Lawyers

Mary Cook, partner Town Legal -
"Any attempt to move away from the standard method and use a lower figure will still require exceptional circumstances to be demonstrated as currently is required."

Freeths lawyers - The strengthening of Green Belt policy will be a local political green light to plan for below required needs and the requirement for the cities/urban areas uplift to be contained within these areas has already been demonstrated to be undeliverable in several instances. The proposed changes will only exacerbate existing uncertainty and delays in plan-making.

Chris Young KC, No 5 Chambers –
NPPF CONSULTATION 2023
TORIES ABANDON HOUSING TARGETS
AND TURN THEIR BACK ON HOME OWNERSHIP
Why respond to the consultation?
There's 59 MPs who won't want you to.
The proposed changes are wrong or misguided…. certainly the view of every professional and developer I've talked to.
The Government's move to abandon housing targets and make them only advisory is nothing short of calamitous.

"59 Tory planning rebels/constituencies for #YIMBYs to campaign in at the next election"

The Politicians and Councils

Local Government Association

The LGA's Planning Advisory Service, said the move to make the standard method an "advisory" starting point for creating a housing requirement was not significant as it had always been a "starting point" for the calculation of local housing targets. "It's not clear cut that numbers will go down."

Nailsea Town Council
Past, Present & Future

My town in north Somerset has a population of 15,000, but new housing in development or planning will take that to 20,000. There are no proposals or money to build new schools, health centres or road infrastructure, all of which are already stretched. Cllr Ben Kushner

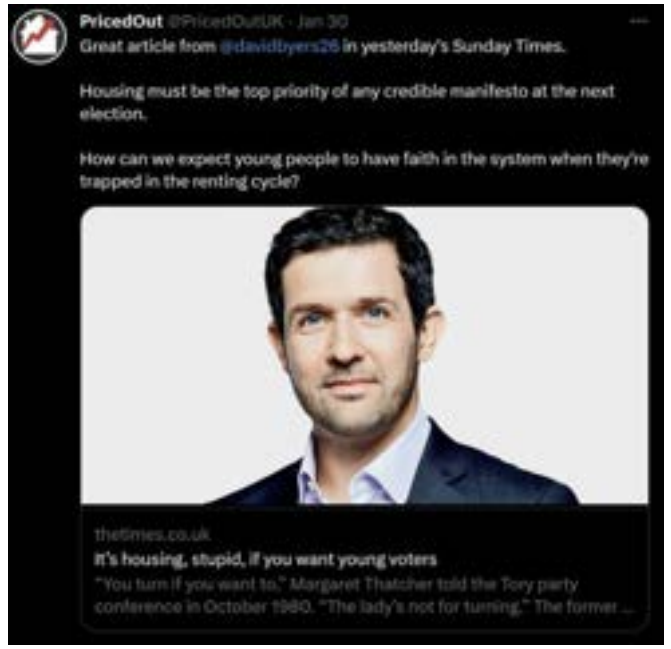
UK Parliament

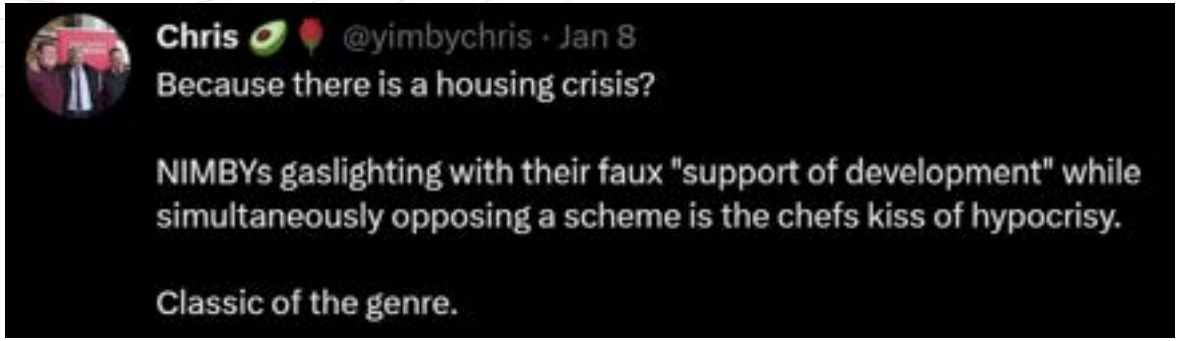
Levelling Up, Housing and Communities Committee

Clive Betts MP The government's consultation on reforms to national planning policy raises a series of issues into areas such as NDMPs and how they might affect the primacy of local plans as well as questions around local housing need, the stated commitment to the housing target, and how this is supported by local plans.

The Twitterati 😡

@Ant Breach – a terrible discretionary planning system that reduces supply of land. Removing the housing targets as some have called for would ……..be a mistake as the targets are a necessary "stick" for ensuring that councils with expansive powers to block new construction plan for growth.





A field guide to the NIMBYs of the British Isles

"No no we really need that derelict petrol station."

Jonn Elledge
Jan 9

Britain has a housing crisis, which is unlikely to be solved without building a lot more housing. That much, everyone – with the possible exception of a few wonks who once got a lot of retweets for an entirely obvious statement like, "Of course, interest rates are a factor, too", enjoyed it a bit too much, then accidentally made a career out of it – agrees.

STOP DOING PLANNING

- HOUSES WERE MEANT TO BE BUILT
- YEARS OF PLANNING yet NO SOLUTION for the housing CRISIS
- Wanted to have places for people to live? We had a tool for that: It was called "BUILDING"
- "Yes please can I live in a C3(a). Let's go for a drink at the nearest *sui generis* establishment" Statements dreamed up by the utterly Deranged

LOOK at what Planners have been demanding your Respect for all this time, with all the maps & cities we made for them

(This is REAL Planning, done by REAL Planners)

?????

????????

??????????

"Hello I would like in my city"

They have played us for absolute fools

Lastly, the final word goes to Freddie Poser of Priced Out who not only doesn't like the proposed changes to the Planning system, he just doesn't like Planning at all!

Questions

Thank you for listening

Click

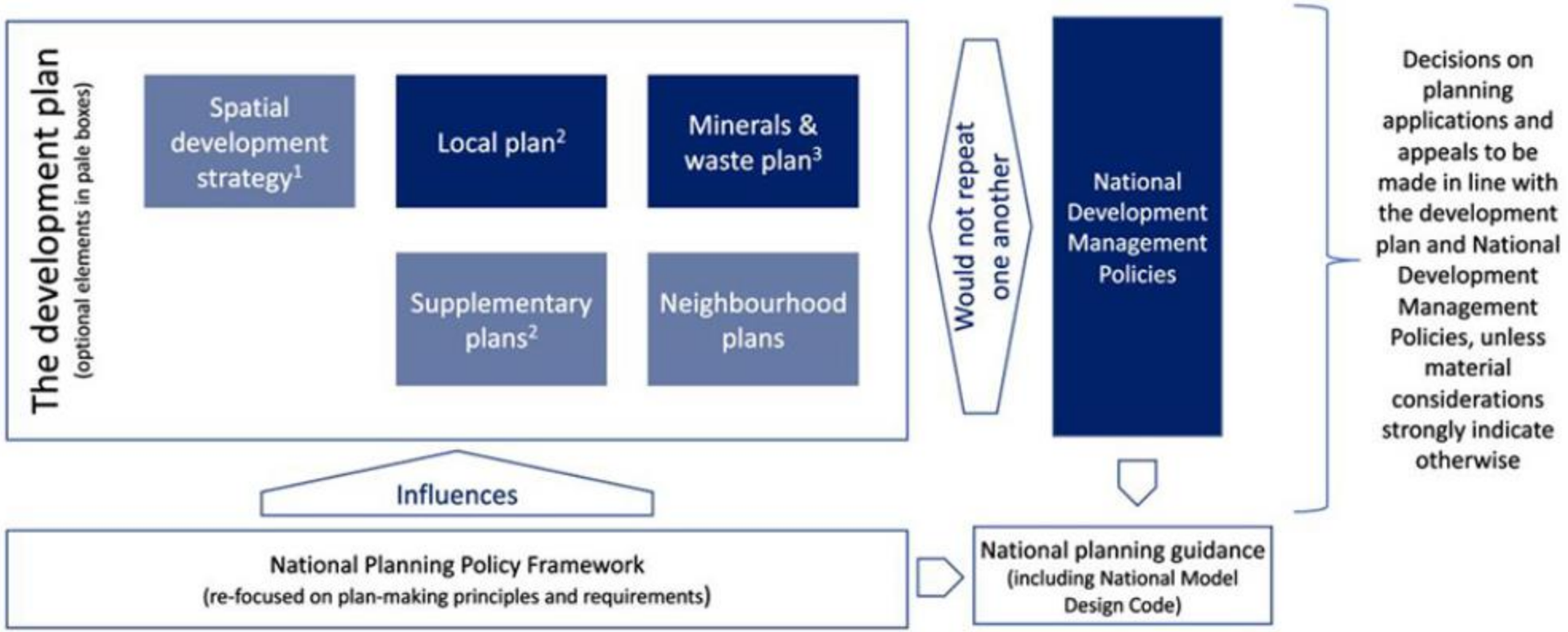
Changes proposed

- make clear how housing figures should be derived and applied so that communities can respond to local circumstances;
- address issues in the operation of the housing delivery and land supply tests;
- tackle problems of slow build out;
- encourage local planning authorities to support the role of community-led groups in delivering affordable housing on exception sites;
- set clearer expectations around planning for older peoples' housing;
- promote more beautiful homes, including through gentle density;
- make sure that food security considerations are factored into planning decisions that affect farm land;
- and enable new methods for demonstrating local support for onshore wind development.

Community Planning Alliance

The role of plans and national policy in the reformed system

(elements with full statutory weight in decisions on applications shown in blue)



1 Mandatory where SDS powers have been conferred on Mayoral/combined authorities; voluntary elsewhere.

2 A **district-wide design code** must form part of the local plan, or else be contained in a supplementary plan. The local plan will also be informed by an **Infrastructure Delivery Strategy**, to be produced by the local planning authority, and by any **Neighbourhood Priorities Statements** produced by neighbourhood planning groups in the area.

3 Minerals and waste can be covered in separate documents, and can be combined with the local plan where an authority has powers over both.

Neighbourhood Plans

14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

a) the neighbourhood plan became part of the development plan two five years or less before the date on which the decision is made; and
b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;.
c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
d) d) the local planning authority's housing delivery was at least 45% of that required over the previous three years

Environment: 6 main focus areas

1. protecting important natural, landscape and heritage assets, whilst also incorporating nature, landscape and public space into development and its surroundings;
2. supporting habitat creation and nature recovery in ways which benefit nature and people. For instance, nature based solutions can store carbon, assist adaptation (e.g. by reducing water run-off rates) and protect and enhance ecology;
3. promoting locational and design decisions that reduce exposure to pollution and hazards and respond to changing climate conditions, for example the risk of overheating, surface-water flooding, and water scarcity;
4. enabling renewable and low carbon energy production and distribution, at both a commercial and household scale; and policies for regulating carbon-generating extraction and energy generation;
5. promoting development locations, and designs and layouts, that contribute to healthier lifestyles, energy and resource efficiency consumption, for example by reducing the need to travel, increasing public transport connectivity and accessibility and promoting active travel i.e. walking, wheeling and cycling; and
6. bringing together the spatial strategy for a place in a way which addresses