

Assessment of draft NPPF

January 2023

KEY: Risk level to development opportunities: ■ Low risk ■ Medium risk ■ High risk

Paragraph number & risk level to development opportunities	Change	Comment
1 (sustainable development)	'Sufficient' housing to be delivered 'in a sustainable manner'. Preparing and maintaining up to date plans should be 'seen as priority' to meet this objective.	'Priority' is still not requirement. The NPPF's language on plan progression must be stronger if more plans are to be advanced. 'Sufficient' housing also represents a backwards step compared with meeting your needs in full.
7 (sustainable development) / low risk	Deliver housing in 'sustainable manner'.	Test of sustainability for new development will always be through para 11, so this additional text will not do much.
11 (sustainable development test)	b.ii. now includes an example of adverse impacts – situations where meeting housing need in full would mean 'building at densities significantly out of character'. Also reference to foot note and considering design codes.	Likely to be used in some circumstances as way to reduce scale of development on sites, including any re-submission applications to increase density and size of schemes already approved.
11 (sustainable development test)	b. iii. (new addition) – clear evidence of past over-delivery (i.e. numbers permitted compared to requirement).	This will change approach to testing housing supply – no longer solely based on supply, but also on permissions issued. Not clear how non-implementation would be considered in this context.
14 (Neighbourhood Plans)	Neighbourhood Plans will be part of development plan for five years, rather than two, providing the plan allocates sites to meet identified housing requirement. All references to maintaining a three year housing land supply removed .	Linked to changes to para 75, result would be no area with Neighbourhood Plan which allocates sites to meet identified housing requirement can be subject to five year housing land supply challenges until after five years of the plan being made.
15 (plan making)	'Meet', rather than address housing needs.	Welcomed, but this is not consistent with other changes which clearly remove the requirement to meet housing needs in full.
20 (strategic policies)	Strategic policies should ensure outcomes support 'beauty' and 'placemaking'.	How do you measure beauty, there is no test or definition for what is beautiful.
35 (examining plans and soundness) Most significant risk for local plans	a) positively prepared – meet housing needs ' as far as possible, taking into account policies of NPPF ', rather than as a minimum meeting the area's housing needs in full.	A significant weakening of planning policy in terms of requirements for local plans. This is <i>the</i> test for plans meeting housing needs. This change would result in councils no longer having to provide justification if they do not meet their needs in full.
	b) Removal of the need for plans to be <i>justified</i>	A significant weakening of planning policy in terms of requirements for local plans. Plans will no longer need to be based on testing reasonable alternatives, proportionate evidence or an appropriate strategy.
60 (delivering homes)	Added in that aim is to 'meet as much housing need as possible'	Consistent with change proposed to para 35.

61 (delivering homes)	Standard method is only an 'advisory starting point' for establishing housing need.	Not different to current situation, so this will just essentially formalise national planning guidance.
62 (standard method)	Urban uplift now formalised in NPPF and now clearly states uplift should be accommodated in area it arises from. Identifies that the urban uplift should be focused on maximising densities on brownfield sites.	This is an approach already being taken by the Greater Nottingham Strategic Plan, it could impact plans where intention is to share urban uplift as part of wider unmet needs arising from urban areas.
63 (types of home)	Introduces reference to retirement housing with care and care homes as examples of older people living.	This is welcomed but still doesn't address chronic under delivery of accommodation for the elderly and that it should be separate to housing delivery. It needs its own overall need and requirement.
67 (housing needs)	Introduces example of where housing requirement may be higher – i.e. meeting neighbours needs, or to reflect growth ambitions.	This is helpful, but has to be read in context of local plans no longer needing to be justified and having to meet their own needs in full.
75 (supply) Most significant risk for speculative applications	No requirement to demonstrate a five year housing land supply until a plan is five years post adoption. At this point the standard method will remain the starting point for testing supply.	A significant weakening of holding plans to account once adopted. Result will be no opportunities to submit speculative applications to ensure a council is maintaining its housing supply until after a plan has been adopted five years. Therefore no way of proactively monitoring and managing a plan for first five years.
75 (supply)	Five year supply would no longer need to include under supply, an approach which to date has been resisted by courts.	Will increase council's housing land supply position.
75 supply (high risk)	<i>Footnote 44 would not require a council to need to demonstrate a five year housing land supply if 'strategic policies have been reviewed and found not to require updating'.</i>	There is no clarity as to who determines if a council's policies are up to date after five years, can a council 'self-certify'?
75 (supply)	Five year supply would no longer need to include 5% / 20% buffers.	Any currently marginal authorities would most likely be able to demonstrate a five year housing land supply if buffers removed. Removes need to offer choice and competition in the market.
77 (HDT)	Housing Delivery Score (HDT) thresholds to be amended so that: 1. below 95% over previous three years – action plan required 2. below 75% over previous three years – 'tilted balance' to be applied As per footnote 49, these HDT thresholds will not apply to any authority who has granted planning permissions in excess of 115% over the same three year period.	The key aspect of this is that the 'tilted balance' is to be applied for authorities scoring below 75% over the last three years. This is however to be balanced with authorities who have granted permissions (not delivered) in excess of 115%. 75% is a relatively low bar, so unlikely many authorities will fall foul of this.
94 (healthy and safe communities)	Policies should aim to achieve beautiful buildings.	How do you measure beauty, there is no test or definition for what is beautiful.
122 (making effective use of land)	Policies should allow for mansard roof extensions to create more homes.	Unlikely to provide much scope for increasing housing supply.
Chapter 12 (design)	Introduction of 'beautiful' into chapter title.	How do you measure beauty, there is no test or definition for what is beautiful.
137 (design)	Conditions should be clear and provide 'visual clarity' about design, to make enforcement easier.	Greater clarity regarding conditions is welcomed.

142 (Green Belt)	This would remove requirement to review Green Belt boundaries to meet housing needs.	A significant weakening of planning policy in terms of requirements for local plans. Would essentially provide justification for authorities who have delayed advancing local plans to avoid addressing Green Belt release to meeting housing needs. Would offer opportunity for current emerging plans to reduce / completely remove any proposed Green Belt allocations and not meet full housing needs without compromising ability of plan to be found sound.
160 (renewables)	Addition to approve applications for repowering or extending life of existing renewable sites.	This would be welcomed. A sensible solution for existing wind turbine sites when time limited permissions come to an end.
161 (renewables)	Greater emphasis on non-residential buildings improving energy efficiency.	
178 (environment)	Footnote 67 would require availability of land for food production to be considered when deciding if sites are appropriate.	Unclear how availability of land for food production would be tested to inform weight to be given if it was a material consideration. Needs to be clarified if this would be in addition to best and most versatile land being a material consideration.
225 (transitional arrangements)	Proposed changes to para 35 should be used to test currently emerging plans which have not reached reg 19 stage , or reached reg 19 within three months of publication of new NPPF.	Potential for authorities to withdraw plan and start again so that new para 35 can apply.
226 (5YHLS)	Councils with plans which are over five years old, but have prepared a draft plan subject to reg 18 / 19 and included proposed allocations would only have to demonstrate a four year housing land supply.	Most authorities will fall into this category. Perhaps the only carrot and stick to get an authority to prepare a new plan, but further reduces the ability to hold a plan to account in terms of housing delivery once adopted.
Glossary (HDT)	Introduction of permissions as well as delivery being the test.	This reflects paras 11 and 77 and would be a further weakening of the ability to hold plans to account.

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