



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

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DLUHC consultation, which closes on 2 March, seeks views via 58 questions on:

- Updating the National Planning Policy Framework (version showing indicative changes for consultation)
- Proposed approach to preparing National Development Management Policies
- Policy to support levelling up
- How national planning policy is currently accessed by users

To be followed by...



A fuller review and update of the National Planning Policy Framework, subject to wider changes to the planning system, including the Levelling-up and Regeneration Bill (Royal Assent anticipated in Spring 2023)



Housing Needs



- Prospectus confirms use of Local Housing Need Assessments to inform plan housing targets (to take into account uplifts needed for regeneration / economic growth / infrastructure delivery)
- No changes to the Standard Method formula (2014-based household projections) - clear that standard method is only advisory and not mandatory.
- Commitment to review implications for the Standard Method from new household projections (based on 2021 Census) - publication in 2024
- Re-stated aim of supporting provision for delivery of 300,000 homes per annum in England

Constraints to achieving need



Local Character

- Planning guidance will provide greater detail on delivering new homes whilst taking account of important areas, assets or local characteristics that should be protected or respected

Green Belt

- LPA's are not be required to review and alter Green Belt boundaries if this would be the only way in which they could meet their needs in full.
- Still ability for Green Belt boundaries to be changed if exceptional circumstances exist.

Indicative text in NPPF



140-142. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. 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. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

Transitional arrangements are set out in Annex 1.

³⁰ In doing so, brownfield and other under-utilised urban sites should be prioritised, and on these sites density should be optimised to promote the most efficient use of land, something which can be informed by masterplans and design codes. This is to ensure that homes are built in the right places, to make the most of existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.

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5. Delivering a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much housing need as possible with an appropriate mix of housing types to meet the needs of communities.
61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below). There may be —unless exceptional circumstances relating to the particular characteristics of an authority which justify an alternative approach to assessing housing need; in which case the alternative used which should also reflect current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for²⁹.

The presumption in favour of sustainable development



11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole-; such adverse impacts may include situations where meeting need in full would mean building at densities significantly out of character with the existing area⁸; or
 - iii. there is clear evidence of past over-delivery, in terms of the number of homes permitted compared to the housing requirement in the existing plan-; in which case this over-delivery may be deducted from the provision required in the new plan.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

Indicative text in NPPF

⁶ As established through statements of common ground (see paragraph 27).

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 184) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 77); and areas at risk of flooding or coastal change.

⁸ Taking into account any design guides or codes which form part of the development plan for the area, or which are adopted as supplementary planning guidance.



Managing housing supply



- Proposing to remove the requirement for LPA's with an up-to-date Local Plan, to demonstrate a rolling 5-year housing land supply
- Need to provide five-year housing land supply buffers would be removed
- Evidence of sufficient deliverable permissions could save LPAs from application of 'the presumption in favour of sustainable development'
- Authorities may also take past 'over-delivery' into account

Indicative text in NPPF



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 apply¹⁰:
- 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) the local planning authority's housing delivery was at least 45% of that required¹¹ over the previous three years.~~

⁹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ~~(with the appropriate buffer, as set out in paragraph 74 and its the relevant housing requirement set out in strategic policies is more than five years old, unless these strategic policies have been reviewed and found not to require updating); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years (unless permissions for housing in excess of 115% of the requirement over the same period have been granted, as set out in footnote 49).~~

¹⁰ Transitional arrangements are set out in Annex 1.

¹¹ ~~Assessed against the Housing Delivery Test, from November 2018 onwards.~~

Housing need for specific groups



Older Persons Housing

- Amendments to Paragraph 63 - Within context of establishing need, require assessment of need for care homes, housing-with-care, and retirement housing (extra care).
- Launching a task force to explore how the choice of and access to housing options for older people can be improved

Affordable Housing

- NPPF to be modified to make clear that LPAs should give greater importance in planning for Social Rent homes

Tackling slow build out rates



- ‘Past irresponsible behaviour’ of applicants (i.e. breaching control / non-delivery legal commitments) could be taken into account when deciding to validate or determine a planning application
- Delivery will become a material consideration in planning applications with developers required to provide data on build out rates and sales, with data published on developers performing poorly
- A financial penalty is proposed for developers that are building out too slowly will be consulted on separately
- Increasing small sites for SME builders and sites for community-led developments



- Increasing protection for Ancient Woodland and fertile / high value farmland
- Protections to be introduced around Biodiversity Net Gain to stop gaming of the system e.g. removal of biodiversity prior to planning application submission
- Halt threat to wildlife of artificial grass installation
- Consideration being given to introducing carbon assessments during plan making & decisions
- Strategic Flood Risk Assessment guidance to be reviewed
- Review of Sustainable Drainage Systems



Plan making changes...



- New plan-making system to be introduced in late 2024
- Under the existing system LPAs will have until 30 June 2025 to submit their local plans for examination
- All plans submitted by 20 June 2025 to be adopted by 31 December 2026
- LPAs will be required to start work on new plans by, at the latest, 5 years after adoption of their previous plan, and to adopt that new plan within 30 months.
- LPAs that do not meet 2025 deadline, must prepare a new plan under the new system

Plan making changes...



- Simplification of the tests of ‘soundness’ such that they are no longer required to be ‘justified’.
- Introduction of a new requirement for Local Plan examinations to assess whether a plan’s proposed housing target meets local need, so far as possible, taking into account the NPPF, and need to be effective and deliverable
- LPAs will no longer be able to prepare supplementary planning documents (SPDs), existing SPDs will cease to have effect at the point at which LPAs have to have a new-style plan in place

Duty to co-operate



- The Bill will remove the Duty to Co-operate - it will remain in place until new provisions come into effect.
- To secure appropriate strategic planning engagement discussions, proposal to introduce an “alignment policy”
- Further consultation on what should constitute the alignment policy will be undertaken

National DM Policies



- Consultation expected in 2023
- Will cover planning considerations that apply regularly in England e.g. Conserving heritage, preventing inappropriate green belt development, addressing flood risk.
- Will build on the NPPF, but will also take into consideration Government priorities e.g. net zero policies, carbon reduction, housing in town centres and built up areas

Is there more?



- Supported for mansard roofs for upward extensions
- The need for beauty and good design is reinforced
- Need for clear details of a scheme's design and use of materials considered
- Improving energy efficiency of existing homes to be given significant weight whilst protecting amenity and heritage
- Need to reduce pollution and to respond to climate change e.g. overheating, surface water flooding, water scarcity recognised
- Recognise need to promote healthier lifestyles and reduce the need to travel
- On shore wind turbine replacement and provision for new wind turbines to be made easier

Indicative text in NPPF



135-137. Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate, to make enforcement easier. They should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. They should also allow mansard roof extensions where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building's construction, the extension should emulate it with respect to external appearance. A condition of simultaneous development should not be imposed on an application for multiple mansard extensions unless there is an exceptional justification.

- 161. To support energy efficiency improvements, significant weight should be given to the need to support energy efficiency improvements through the adaptation of existing buildings, particularly large non-domestic buildings, to improve their energy performance (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Proposals affecting conservation areas and listed buildings should also take into account the policies set out in chapter 16 of this Framework.



Any questions?



Summary

The Department for Levelling Up, Housing, and Communities is seeking views on how we might develop new national planning policy to support our wider objectives.

This consultation closes at
11:45pm on 2 March 2023

Consultation description

This consultation seeks views on our proposed approach to updating to the National Planning Policy Framework. We are also seeking views on our proposed approach to preparing National Development Management Policies, how we might develop policy to support levelling up, and how national planning policy is currently accessed by users.