

# NPPF Policy Roundtables

*Jan-Feb 2023*

The RTPI is holding roundtables to help inform its response to the consultation on planning reform published by the Government on 22 December 2022. The England Policy Committee will be meeting on 27 February to consider the outcome of the roundtables and prepare a response.

The following is a guide to the matters which will be discussed at the roundtables. **Bold text** shows the questions we will be putting to participants which follows a short summary of the issue. Time will be tight and it is important that everyone who wishes to contribute can do so. So this is only a selection of the long list of consultation questions. If you wish to respond on other matters do write to [policy@rtpi.org.uk](mailto:policy@rtpi.org.uk)

## Planning for Housing (Chapters 3 & 4) (20 mins)

The Government proposes to remove the requirement for local authorities to demonstrate continually a deliverable 5-year housing land supply if they have an up to date plan. It proposes that the change should take effect when it publishes the revised NPPF. Its intention is to provide local authorities with another strong incentive to agree a local plan, giving communities more of a say on development and allowing more homes to be built

**Should the 5-year housing supply requirement should be removed for areas where there is a plan based on a housing requirement which is less than 5 years old?**

The Government proposes to make clear that LPAs are not required to review and alter Green Belt boundaries if this would be the only way of meeting need in full (although authorities would still have the ability to review and alter Green Belt boundaries if they wish, if they can demonstrate that exceptional circumstances exist). This change would remove any ambiguity about whether authorities are expected to review the Green Belt, which is something which has caused confusion and often protracted debate during the preparation of some plans.

**Should local authorities be able to refuse to change Green Belt boundaries even if they can't meet their housing requirement?**

The Government wants to avoid LPAs having to produce very large amounts of evidence to show that the approach taken to meeting housing need is a reasonable one. To do so, we propose to amend the tests of 'soundness' so that they are no longer required to be 'justified'. Although authorities would still need to produce evidence to inform and explain their plan, and to satisfy requirements for environmental assessment, removing the explicit test that plans are 'justified' is intended to allow a proportionate approach to their examination, in light of these other evidential requirements.

**Should the requirement for plans to be 'justified' be removed?**

The method for calculating local housing need was amended in 2020 to apply an uplift of 35% for the 20 largest towns and cities. The government intends to maintain this uplift and to require that this is, so far as possible, met by the towns and cities concerned rather than exported to surrounding areas. It will be important to capitalise on opportunities to further densify in these

already-developed urban areas, using local design codes to do so in ways that take account of the existing environment.

The Bill would remove the Duty to Co-operate. To secure appropriate engagement between authorities where strategic planning considerations cut across boundaries, the Government proposes to introduce an “alignment policy” as part of a future revised Framework. Further consultation on what should constitute the alignment policy will be undertaken. The Government however considers that the boundaries of some towns and cities mean that there is sometimes “minimal distinction” between areas that are part of one of the 20 urban uplift authorities and neighbouring authorities. In some cases, there is good co-operation between such authorities, but we would like to hear views on how such adjoining authorities should consider their role in meeting the needs of the “core” town or city.

**Should the “urban uplift” be retained? And what implications should this have for neighbouring authorities?**

**“A Planning System for Communities” (Chapter 5) (10 mins)**

Paragraph 69 of the existing NPPF sets out that local planning authorities should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. (This was an RTPI “win” because the Government originally proposed 20% and 0.5.) The Government has heard views that these existing policies are not effective enough in supporting the government’s housing objectives, and that they should be strengthened to support development on small sites, especially those that will deliver high levels of affordable housing.

**How should support be given in policy to SME builders?**

To support levelling up and housing market diversification and delivery, the Government wants to encourage a greater role for community-led housing groups. Community Land Trusts suggest changing para [new] 70 to say “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are often built-out relatively quickly and provide opportunities to diversify provision by SME builders and through Community Led Development.”

**What do you think should be done to support community-led housing?**

The Government recognises that it is a long-standing principle that planning decisions should be based on the planning merits of the proposed development – and not on the merits of applicant. Nonetheless, there are instances where personal circumstances can be taken into account, and it considers it would be legitimate to consider widening this scope to include what it calls an applicant’s “past irresponsible behaviour”.

**Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making?**

The Government states that there are concerns about the pace at which some permitted sites are being built out. There are proposals in the LURB to address this. But to further strengthen this package, it intends to introduce 3 further measures:



- a) Publishing data on developers of sites over a certain size in cases where they fail to build out according to their commitments.
- b) Requiring developers to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate.
- c) Highlight that delivery on existing schemes can be a material consideration in determining new planning applications.

## **What should the Government do to encourage “build out”?**

### **Environment, Climate Change and Energy (Chapters 7 & 8) (15 mins)**

The RTPI has repeatedly called for the NPPF to be updated to reflect the climate emergency and international obligations on the UK Government. 2022 saw the additional concerns around energy sufficiency. The RTPI has expressed concerns around several aspects of the Environment Act and its interaction with the planning system. In particular the apparently one way relationship between LNRS and local plans, and the difficulties inherent in implementing biodiversity net gain. The RTPI has repeatedly called for the NPPF to fully reflect legal requirements in the Climate Change Act 2008 and international commitments under the Conference of the Parties (COP).

The Government is proposing a suite of measures:

- preventing destruction of biodiversity just before assessments of it are made
- forbidding artificial grassland
- increasing protection of Ancient Woodland and fertile farmland
- introducing carbon impact assessments for from plan-making and planning decisions
- reviewing the case for implementing Schedule 3 to the Flood and Water Management Act 2010
- addressing overheating and water scarcity
- placing more focus on nature-based solutions and multi-functional benefits
- enabling the re-powering of renewable and low carbon energy
- ensuring communities' view of impacts of onshore wind farms are addressed and that they demonstrable local support
- having ways to indicate LPA support for wind farms outside site allocations

## **What do you think of these ideas? Should there be any others?**



## Transitional Arrangements (Chapter 9) (10 mins)

- Plan makers will have until 30 June 2025 to submit plans under the existing legal framework.
- Examinations must be concluded, with plans adopted by 31 December 2026
- LPAs must start preparing a new style local plan if they have local plans which are more than 5 years old when the new system goes live
- LPAs which have prepared a plan which is less than 5 years old when the new system goes live will not be required to begin preparing a new-style plan until their existing plan is 5 years old
- Plans that will become more than 5 years old during the first 30 months of the new system (i.e. while the local planning authority is preparing their new plan), will continue to be considered 'up-to-date' for decision-making purposes for 30 months after the new system starts.
- Current SPDs will automatically cease to have effect at the point at which authorities are required to have a new-style plan in place.

**What are your views regarding the Government's proposals for transitional arrangements for the new plan making system after Royal Assent?**

## National Development Management Policies (Chapter 10) (15 mins)

The Government says that NDMPs will simply be produced by a direction by the Sec of State following public consultation of the same kind as this consultation. The RTPI considers – and is lobbying Parliament - that at the least Parliament should sign off NDMPs and there should be a different kind of consultation with the public given that the role of local plans will be entirely curtailed here.

However, that is a matter for the Bill. This consultation concerns the scope of the NDMPs. The Government proposes that they should fall within three categories:

1. Existing policies aimed at decision-making already provided within the National Planning Policy Framework;
2. 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.
3. Selective new additions to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making across the country (or significant parts of it).

**Do you consider the scope proposed for NDMPs is the right one?**

## The Future NPPF (Chapter 12) (10 mins)

The consultation contains a table of issues to be included addressed in “planning policy” once the new planning system is in place. By this the Government actually means changes to policy to be reflected in the NDMPs (nearly all of the list) and changes to plan making (which are indicated as a specific cluster of activities).

The list is too long for replication here, rather confusingly involves duplication of matters already covered by earlier chapters of this consultation. Some stand out new topics are:

**Transport:** assessing what changes are needed to reflect the government’s commitment to encourage 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. Also propose to review pf policy on the freight sector and supply chains infrastructure, such as lorry parking, warehouse space and rail freight hubs. This will draw on findings from the Government’s ‘Future of Freight’ call for evidence which will be launched in due course.

**Green Belts:** amendments to reflect the commitment in the Levelling Up White Paper to bringing forward measures to ‘green’ Green Belts, to improve their environmental and recreational value. This chimes with the RTPI view on Green Belts, that their should have an additional social purpose.

**Have you any observations on the proposals for future content of NDMPs and for future guidance on plan making following Royal Assent?**