

OUR THOUGHTS ON THE PROPOSED CHANGES TO NATIONAL POLICY

Consultation on proposed changes to national policy has launched, ongoing until 2nd March 2023.

The consultation includes details on:

1. Proposed “quick” changes to the National Planning Policy Framework (the Framework);
2. The scope of potential future changes to national policy, including National Development Management Policies;
3. Options for developing other national planning policy to support ‘Levelling Up’;
4. The potential scope of a fuller review of national policy considering Government’s proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill;
5. Other legislative changes that may be brought forward to reform the planning system; and
6. A table of 58 questions for response.

This note focusses on the proposed changes to the Framework, as they are intended to take effect in advance of the other items in the consultation.

The consultation provides the opportunity for you to engage and influence the direction of national planning policy ahead of the deadline for response on 2nd March 2023.



The objective to speed up and incentivise plan-making should have been a positive, however coupled together with the pathways to reduce housing requirements and leave Green Belt boundaries unchanged there are clear tensions now between plan-making and addressing the national housing crisis.

JOSHUA MELLOR
PLANNING ASSOCIATE
DIRECTOR

joshua.mellor@
bartonwillmore.co.uk



BACKGROUND

The proposed changes to the Framework are set in the context of fierce opposition (including proposed amendments seeking to abolish housing targets completely) to Levelling Up and Regeneration Bill (LURB) from rebel Conservative Members of Parliament (MPs) in late November. It has, therefore, become one of the early tests of the Sunak Government.

In an attempt to appease the rebel MPs, Michael Gove (Secretary of State for Levelling Up, Housing and Communities) announced via a Written Ministerial Statement in early December that changes to the planning system would be set out in a consultation on the Framework before Christmas.

FRAMEWORK AMENDMENTS

On the face of it, the amendments proposed appear modest but the implication of these changes represents the most significant change to the Framework since its first publication in 2012. This includes a substantial watering down of key elements of the Framework relating to both decision-making and plan-making.

The proposed revisions to the Framework make clear that the preparation and maintenance of an up-to-date Plan which identifies how “sufficient” housing will be provided should be seen as a priority (Para 1). The most significant incentive of having an adopted up-to-date Plan is that authorities will no longer need to continually demonstrate a 5-year supply of housing for 5 years post-adoption, or longer if strategic policies have been reviewed and found not to require updating (Para 14 and Footnote 9). Further, the evidential requirements to demonstrate that a Local Plan is ‘sound’ are to be softened. This includes removing the need for a Local Plan to be “justified” as well as the need to consider unmet need from neighbouring areas as part of providing a “positively prepared” strategy (Para 35).



The consultation confirms that there will continue to be a reliance on the 20 largest urban areas to supply a 35% uplift on the Standard Method housing requirement. In 2021, 18 of the 20 largest towns and cities exceeded their Housing Delivery Test with these areas delivering around 28,000 new homes in total. However, this equates to <17% of overall housing delivery in England and <10% of the Government’s commitment to deliver 300,000 homes per annum. If we are to consistently deliver 300,000 new homes each year and in doing so assist the process of ‘Levelling Up’, it is clear that the planning system will need to go much further than asking a small number of urban authorities to continue to ‘step up’.

GREG DICKSON
PLANNING DIRECTOR

greg.dickson@bartonwillmore.co.uk



The calculation of housing needs using the standard methodology (SM) remains. However, emphasis is added on this being only an “advisory starting-point” (Para 61). This has always been the case but greater flexibility to reduce the housing requirement is now identified through an expansion of the exceptional circumstances:

- (1) housing requirements only needing to be met by building at densities which would not be significantly out-of-character with existing areas (Para 11);
- (2) no requirement for Green Belt boundaries to be reviewed or altered if this is the only way of meeting housing needs over the Plan period(Para 142), and;
- (3) taking account of past ‘over-delivery’ of permissions granted (Para 11).

Whilst the proposed amendments to the Framework seek to incentivise Plan-making (with the consultation identifying only around 40% of authorities as having adopted a Plan within the last five years), the announcements by Gove across December have already led to Plans being paused or progress delayed (i.e. Mole Valley and Stockport). An unintended consequence of the consultation could be that some draft Local Plans (including plans which are advanced) could be abandoned and restarted to propose reductions in housing requirements and/or re-review approaches to Green Belt land.

For Local Plans which are advanced, either at Examination or subject to consultation and include a policies map and proposed housing allocations, transitional arrangements are proposed (Para 224-226) for a period of 2 years from the publication of the revised Framework where those authorities will only need to demonstrate a 4-year housing land supply as opposed to the usual 5-years (Para 226).



Changes made to provide an in-principle support to the re-powering of existing on-shore wind turbines is a step in the right direction, with the in-principle support caveated by the need to make any environmental impacts acceptable (as would be expected). On one hand, the amendments relating to renewable energy consenting will be disappointing to those hoping to see whole-sale changes to assist with the speed and volume at which renewable systems could be deployed. However, to the optimists amongst us, these amendments could be viewed as the first step in opening up the door to new future on-shore wind development.

BEN KWOK
SENIOR INFRASTRUCTURE
& ENVIRONMENTAL
PLANNER

ben.kwok@
bartonwillmore.co.uk



Other changes to decision-making and when the 'presumption' could apply include:

- » Calculation of housing land supply to remove the need to include a 5 – 20% buffer (Footnote 9 and Para 75);
- » Neighbourhood Plan protection increasing from 2 to 5 years, regardless of an Authority's supply position with the 3-year housing land supply test removed (Para 14);
- » Housing Delivery Test remains, however removal of 20% buffer applied for delivery falling below 85%. Presumption to apply where delivery falls below 75% - unless permissions have been granted for homes in excess of 115% of the authority's housing requirement over that monitoring period (Para 77 and footnote 49); and
- » Housing requirements to take account of previous under or over-supply (Para 75).

POTENTIAL IMPLICATIONS

The proposed amendments to the Framework seek to ensure Authorities provide "sufficient" housing (Para 1) and "meet as much housing need as possible" (Para 60). The Government continues to commit to delivering 300,000 homes a year¹ by the mid-2020s but remains some way off this in the current system which in the view of rebel MPs favours the development industry (with 233,000 net additional dwellings in 2021-22). It is difficult to see how the changes proposed, which strongly suggests a reduction in local housing requirements, will do anything to move closer to delivering 300,000 homes per year nor addressing the housing needs of the nation (including affordable, family, inter-generational and care/extra care).

There are also significant disconnects between elements of the proposed revisions. One such instance is the need for the 20 largest cities and urban centres to accommodate the bulk of housing needs, including a 35% standard method uplift, all of which is to be met within those authority areas (para 62), sitting alongside an enhanced protection to the Green Belt, which surrounds the majority of these locations. It is, however, difficult to see how these centres and other locations will



The consultation confirms, as we suspected, Green Belt will be given further protection through the Local Plan process. However, this places Green Belt policy at odds with other Government policy and 'Levelling Up' ambitions. For example, many of those larger urban authorities expected to deliver the majority of new housing are constrained by Green Belt, meaning Green Belt release will be required to enable new housing. It remains to be seen how this will play out in practice, but the early signs are several local authorities delaying plans to review housing requirements to avoid Green Belt release. Ultimately this adds further delays to the Local Plan process and reduces the number of homes that will be delivered, which runs contrary to wider Government objectives. If there is a genuine ambition to deliver enough new homes each year, then a sensible discussion on Green Belt policy is required.

NICK PLEASANT
PLANNING ASSOCIATE
DIRECTOR

nick.pleasant@bartonwillmore.co.uk



be able to accommodate significant upwards or outwards growth (including Garden Villages / Cities) without the loudest local voices objecting on the basis this is 'out of character' with the existing area. And even if they did, growth in these areas does not provide the level of growth required nationally.

It is clear that the proposed amendments to the Framework do little to aid the Government's long-held ambition to simplify the planning system, nor will they support the need to deliver over 300,000 homes a year or address a worsening national housing crisis.

1 Chapter 1, Paragraph 6 of the Consultation

WIDER KEY POINTS

The wider consultation detail, beyond the revisions to the Framework, highlights a number of other noteworthy points:

- » New guidance will be introduced that indicates the type of local characteristics that might justify an alternative method for calculating local housing need, with reference to examples of locations with a high percentage of elderly residents or university towns;
- » Further changes to the Framework are proposed to attach more weight to the provision of Social Rent housing as the most affordable housing tenure;
- » Timeframes are proposed for Local Plans within the current plan-making system (pre-LURB), requiring these to be submitted by 30 June 2025 and adopted by 31 December 2026 to be examined under the current legislative system;
- » A proposed case for and scope of National Development Management Policies seeking to enable the production of "swifter, slimmer plans" which are more locally-relevant and easier for users to digest; and
- » A call for bold, innovative ideas on how planning policies could support Levelling Up.
- » Encouragement for development to be 'well designed and beautiful'.



One major new addition to national policy will be the role of National Development Management Policies which will be consulted on separately. The format of this current consultation allows a great deal of scope to influence the revised Framework and proposals for National Development Management Policies. It will be key to continue to closely monitor and analyse progress on the Framework, Bill and associated policy and legislation to help navigate the updates being brought forward this year.

JANE BECKETT
PLANNING ASSOCIATE

jane.beckett@bartonwillmore.co.uk



Economic Needs

The focus of the amendments to the Framework are on housing. There are references to economic opportunities and objectives within the consultation detail, but it is notable that no changes are proposed to the Framework itself specifically relating to economic needs. The consultation detail recognises that changes are needed to further “building a strong, competitive economy” however these are to be subject to a separate consultation “on a more positive framework for supporting economic development, including reviewing the approach to supporting employment land, and the consideration of supply chain and connectivity issues, including responding to information gathered as part of the Future of Freight Call for Evidence”.

Levelling Up

No amendments to the Framework are proposed in respect of Levelling Up. There is a brief section at Chapter 11 of the supporting consultation detail, titled ‘Enabling Levelling Up’ but there appears to be no reflection of ‘Levelling Up’ priorities geographically or spatially within the consultation and Question 53 of the consultation invites views on the policies ‘that could be included to achieve the 12 levelling up missions in the Levelling Up White Paper’.

We would be pleased to discuss the content of this consultation with you in more detail and could respond to this on your behalf. Please do get in touch, with any of our teams, if you would like to discuss the questions and proposed amendments to the Framework in further detail or wish to explore what implications these changes could have on your specific needs.
www.bartonwillmore.co.uk/offices

