



Reforms to the National Planning Policy Framework

To: England
For info: Scotland, Wales and Northern Ireland

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1 Introduction

Following the recent change in Government, a revised National Planning Policy Framework (NPPF) for England was published in draft for consultation on 30 July 2024. Accompanied by a consultation questionnaire with a deadline of 24 September, the Government has acted quickly to address their key manifesto pledge to reform the planning system to unlock growth. Of the proposed changes there are some key differences proposed which this briefing seeks to explore including:

- The return of mandatory housing targets.
- Plan-making that works across borders and secures the appropriate social and physical infrastructure.
- Changes to the way green belt land is considered in plan making and decision taking.
- Renewable energy projects.
- Changes to transport and the provision of infrastructure.

Additionally, a letter from the Deputy Prime Minister on 30 July heralds the return of Strategic Planning as a local authority duty alongside universal coverage of up-to-date local plans. This is likely to be introduced in the life of this Parliament in the form of a new Planning and Infrastructure Bill. This is intended to support the building of 1.5 million new homes in the lifetime of the current Parliament.

The implications of these proposed reforms of the planning system in England has significant implications for local government in terms of skills, resources and the provision of infrastructure to support significant housing growth, an area fraught with tensions with existing communities.

This briefing is for APSE member councils including elected members, and council and officer leaders, who want to engage with the current consultation and gain a better understanding of the proposed changes and how these will impact communities, the environment and the local economy.

2 Housing Targets

Of the proposed changes, the return to mandatory housing targets will be challenging for many local authorities who often struggle to allocate sufficient housing land supply due to constraints such as green belt, local opposition and actual and perceived demands on infrastructure. Alongside a requirement for the universal coverage of up-to-date local plans, the implications for local authorities with insufficient housing land supply are significant with decisions being open to challenge in these circumstances, and less sustainable sites coming forward ad-hoc.

Local authorities will need to demonstrate a housing land supply of 5 years plus a 5% buffer or 5 years plus a 20% buffer if there has been significant undersupply in the previous 3 years. The proposed changes to the method for calculating the annual housing need reflects the Government's desire to see a significant increase in the provision of new housing of all tenure types. A doubling of existing numbers is not uncommon.

This is likely to be challenging for many local authorities and in areas of high constraints such as green belt, National Landscapes and Special Protection Areas options may be limited and could drive a need for green belt release, covered separately in this Briefing.

Allied to this, the Government is seeking 50% affordable housing where green belt is to be released, with a requirement for enhanced social infrastructure. This will throw up further challenges in terms of delivery and viability in many areas, with the usual attendant problems of phasing and tenure blind design integrating affordable housing seamlessly with standard homes.

There are implications for local authorities in the transitional period whereby Local Plans that are advanced can continue to examination under the previous NPPF whereas for those that do not hit Regulation 19 (the last stage of consultation before submission) before the revised NPPF will be subject to the new regulations. Some local authorities are pressing ahead taking advantage of this transitional period. In the letter of the 30 July from the Deputy Prime Minister the following direction was included:

- For plans at examination this means allowing them to continue, although where there is a significant gap between the plan and the new local housing need figure, we will expect authorities to begin a plan immediately in the new system.
- For plans at an advanced stage of preparation (Regulation 19), it means allowing them to continue to examination unless there is a significant gap between the plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure.
- Areas at an earlier stage of plan development, should prepare plans against the revised version of the National Planning Policy Framework and progress as quickly as possible

This may slow the adoption of Local Plans in the short term.

3 Strategic Planning

Whilst the Duty to Cooperate is retained and will be a mechanism for some joined up and coordinated plan-making, this is highly likely to be bolstered by a return to strategic planning. Substantially abolished in the 2011 Localism Act cross border, regional and sub regional planning with centrally calculated housing targets and strategic infrastructure was ended in all but a few areas. Mayoral Combined Authorities in part prepared or embarked on Spatial Development Strategies but, in the main, the Duty to Cooperate and some joint spatial plans have been the mechanism for cross border plan-making.

Whilst overarching guidance and direction remains limited, it is highly likely that the theme of using previously developed land in sustainable locations will be a priority. However, from a delivery point of view, this is likely to require significant changes in funding if this ambition is to be met.

The Royal Town Planning Institute (RTPI) has recently published a research paper¹ that evaluates current practice and looks to the future. In the absence of new legislation, strategic planning activities and shared evidence base gathering is taking place. This is a good resource to start the process of considering the resource and skills implications of this new statutory duty on local authorities.

It is of note that alongside the formal planning system, a kind of strategic planning is taking place in the form of local nature recovery strategies (LNRS) and there is some conjecture that in the case of a Mayoral Devolution Deal not being in place, that the geography of the LNRS, designed to provide coverage across the whole of England, will be a suitable geography for strategic planning.

4 Green Belt

Widely misunderstood but nonetheless a significant pillar of planning legislation, the green belt is specifically referenced in the proposed changes to the NPPF. For many this is an emotive subject, and communities have often perceived this as a brake on development in their local area.

In summary, the purposes of the green belt will not change in terms of preserving openness and preventing sprawl and the Government recognises that significant areas are not of high ecological value or indeed accessible. In order to meet the challenge of the new housing targets, the term 'grey belt' has been coined to describe areas of the green belt that are previously developed. In terms of a hierarchy of identifying sites for housing and economic activity, previously developed land in sustainable locations would take precedence over 'grey belt' land in sustainable locations and finally green belt, again in sustainable locations.

As previously developed land can, after several years, become ecologically valuable and in areas where other landscape constraints exist such as National Landscapes (formerly Areas of Natural Beauty or AONB) the demonstration of a five-year land supply remains challenging and will be tested through the plan making process. Green Belt Reviews will likely become mandatory and as such Local Plan Examinations will be the forum whereby the fundamental test of whether alterations to the boundary will fundamentally undermine the function of the Green Belt across the area of the plan as a whole.

5 Relationship to Existing Initiatives

In previous APSE publications the assistance of existing legislation and strategy development has been highlighted. In particular, the ongoing creation of Local Nature Recovery Strategies (LNRS) has not halted and there is a timetable for elaboration and adoption by Responsible Authorities. The LNRS provides an opportunity to ensure that a key layer in any consideration of strategic planning is in place and this understanding will provide a great base layer for the development

¹ <https://uwe-repository.worktribe.com/output/12791166>

statutory plans in the future, recognising with existing regard that Local Plans must have for LNRS.

Running in parallel with the current proposed changes to the NPPF and reforms of the planning system, the Government is undertaking a review of the Environment Improvement Plan (2023) (EIP) with implications for local and regional Environment Improvement Plans that some local authorities and have embarked upon. The Government has committed to an update of the EIP and, to be effective, local detailed plans should have regard to the national picture and priorities. With the advent of the return of strategic planning this could be incorporated at a regional level.

Whilst the Government has proposed the removal of the term 'beauty' from the NPPF, design quality and, specifically, design coding has not been abandoned as a key mechanism to deliver better outcomes in planning as described in the recent APSE publication² is still relevant, with a proposal for these tools to relate to allocations and masterplans as opposed to district wide, as in the previous version.

6 Implications for Infrastructure

A significant proposed change, or at least clarification, is around the provision of transport infrastructure and a 'vision led' approach to the provision of infrastructure. With many proposed developments being stalled by transport and highways objections this change may free up sites by anticipating future travel patterns and choices, alongside innovations in technology. Crucially, refusal of planning permission based on highways grounds are likely to be confined to highway safety and, as is often erroneously thought, not based on perceived or actual congestion.

Large-scale growth supporting infrastructure, including gigafactories, data centres and grid connections under the Nationally Significant Infrastructure Projects (NSIP) regime, is to be simplified. The Government has demonstrated a clear commitment to renewable energy, a sector of interest to many APSE Energy Members, with the lifting of the effective ban on onshore wind and returning large scale renewables projects to the NSIP regime.

Social infrastructure, including post-16 education provision leading to greater skills development and the creation of healthy communities, are a clear priority for the Government, although some of the detail remains scant at this stage. There is a clear ambition to extract more public goods from new development. However, if this is to be successful, the means of delivery and the role of the public sector requires clarification as some elements, such as GP surgery provision, are complex challenges beyond funding. Proposed changes to paragraph 100 of the NPPF will put a greater onus on site promoters and developers to ensure that social infrastructure is planned from the start, including early years provision and prisons for example.

² <https://www.apse.org.uk/index.cfm/apse/research/current-research-programme/planning-guidance-that-gets-results/>

7 Looking Ahead – Skills and Resources

Local authority planning departments have suffered significant reductions in resources since 2010 and, as such, there is considerable challenges in discharging statutory duties as there is an overall shortage of skilled and qualified planners. The Government recognises that the current planning fee regime does not reflect the true cost of service provision and the proposed increases to the householder planning application fee from £258 to £528 will contribute to the shortfall in funding for local authorities who receive few major planning applications.

At a wider level there is a recognition that outside of development management, local authorities provide several planning services that are not directly funded by planning application fees and, as such, this shortfall remains a matter of debate and consideration. There are options to reform the fee charging regime for all kinds of development and, subject to consultation, this could provide additional funding to appropriately resource local authorities in discharging their statutory duties which, through these reforms, are set to increase.

For those local authorities who host NSIPs, the resource burden can be significant and the proposed planning reforms may provide a mechanism for cost recovery for unitary and upper tier councils.

The resourcing of planning as a discipline and important part of wider local government objectives in terms of health, wellbeing, economic growth and the protection of the environment remains challenging, and the current consultation allows for views to be submitted with a view to this being addressed.

8 NPPF Consultation

The consultation for the NPPF closes on 24 September 2024 and APSE will provide a response to the Government.

APSE therefore invites its member councils to share their responses to enable the views of APSE members to be reflected in our response to the Government.

You are therefore asked to submit your responses to Vickie Hacking on vhacking@apse.org.uk no later than 5.00 PM on Friday 20 September 2024.

This briefing has been researched and written by APSE associate Tim Crawshaw, MIED MRTPI FRSA.

For enquiries, please contact Vickie Hacking on Vhacking@apse.org.uk

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