

Report To:	LOCAL PLAN DEVELOPMENT COMMITTEE
Date:	26TH FEBRUARY 2024
Heading:	NATIONAL PLANNING POLICY FRAMEWORK (NPPF) DECEMBER 2023 – SUMMARY OF KEY CHANGES
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To summarise the key changes to the National Planning Policy Framework (NPPF) which came into effect in December 2023. The changes to the NPPF show the Government's direction on planning and guiding development.

Recommendation(s)

The Local Plan Development Committee to note the contents of the report.

Reasons for Recommendation(s)

To make Members aware of the key changes and information in relation to potential changes to the planning system.

Alternative Options Considered

Not to update Members of the changes to the NPPF. Members would not be fully informed of the most current changes to current planning guidance and would not be made aware that the Ashfield Local Plan will, following submission, be examined under the September 2023 version of the National Planning Policy Framework.

Detailed Information

- 1.1 The National Planning Policy Framework was revised in response to the Levelling-up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023, and sets out the Government's planning policies for England and how these are expected to be applied.
- 1.2 This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021, and updated in September 2023.
- 1.3 The biggest change is that the revised NPPF introduces various reforms to housing delivery. The revised NPPF also includes new drafting on protection from "out of character" residential development, Green Belt alterations, energy efficient building improvements and allocation of agricultural land for development.
- 1.4 Paragraph 230 of the revised NPPF sets out a transitional period which applies to local authorities which have reached an advanced stage in their Local Plan preparation. This states that the policies in the NPPF (December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (presubmission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. As the emerging Ashfield Local Plan reached Regulation 19 stage before 19th December 2023, the Plan will be examined under the September 2023 version of the NPPF. The last day to submit a Plan for examination under the September 2023 version of the NPPF will be 30 June 2025.
- 1.5 For decision making (planning applications), paragraph 226 of the NPPF states that any authority currently undertaking the Regulation 18 or 19 consultation will only have to provide a minimum of a four-year housing land supply (rather than 5 years) and as such applies to Ashfield due to the stage reached in Plan preparation. This change could potentially help reduce speculative development occurring due to the application of the 'tilted balance', however the current situation for Ashfield remains unchanged as the readily deliverable housing supply still falls short of 4 years (approximately 2.93 years).
- 1.6 The term 'tilted balance' is used to define NPPF paragraph 11(d) because when engaged, the tilted balance should change the 'balancing exercise' which the decision-taker (the planning officer, inspector or secretary of state) makes when deciding whether or not to grant planning permission; from a neutral balance where if the harms outweigh the benefits planning permission is usually withheld, to a tilted balance where the harms should significantly and demonstrably outweigh the benefits for permission to be withheld. The tilted balance therefore increases the prospect of planning permission being granted because it 'tilts' the balance in favour of approving an application.
- 1.7 Going forward, the Government has indicated that the regulations, policy, and guidance necessary for the preparation of the new style Local Plans will be in place by Autumn 2024. In the new system, planning authorities will need to prepare, consult on, and adopt Plans within a 30-month timeframe and follow the same process for each subsequent update of their Plans, including examination by the Planning Inspectorate.

The main updates are;

- 2.1 **Changes to the wording on amending Green Belt boundaries** – the new text makes it clear that local authorities are not required to review their green belt boundaries during plan-making and does not explicitly link this issue to housing supply. Moreover, authorities can review and alter boundaries where exceptional circumstances are justified and evidenced. This is functionally the same as before.
- 2.2 **Urban Density** – new paragraph 130 states that in existing urban areas, significant uplifts in the average density of residential development may be inappropriate if this would be wholly out of character with the existing area. These circumstances would need to be evidenced through an area-wide design code adopted as part of the Development Plan.
- 2.3 **Increased support for small sites** – through policies and decisions, Councils should support small sites for community-led development (CLD) for housing, as well as self-build and custom-build housing.
- **Community-led development** is defined as one taken forward by not-for-profit organisations for the benefit of its members and the wider local community.
 - Local Authorities should also support CLDs on sites that are otherwise not suitable as **rural exception sites** and are not already allocated for housing.
- 2.4 **Changes to 5-year housing land supply** – authorities do not need to demonstrate a continuous 5-year housing supply where the Local Plan is up to date, which is to say less than 5 years old.
- Under the previous version of the NPPF, all local planning authorities were required to build a buffer of 5% (by default), 10% or 20% into their calculations on five-year housing land supply. In the updated NPPF, the 5% and 10% buffers have been removed, but the 20% buffer has been retained where delivery falls below 85% of the requirement over the previous three years (this applies to Ashfield). In addition, historic oversupply can be accounted for in the five-year housing land supply calculation, further guidance will be released for this.
- 2.5 **Development that conflicts with Neighbourhood Plans** - The NPPF previously said that the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to outweigh the benefits, but not if that Plan is more than two years old. The Government has now extended that protection to plans that are up to five years old. It has also removed tests which had meant local planning authorities needed to demonstrate a minimum housing land supply and have delivered a minimum amount in the Housing Delivery Test in order that Neighbourhood Plans benefited from the protection.
- 2.6 **Standard Method for assessing housing need** – the revised NPPF confirms that the standard method for calculating housing need is an “advisory starting point” for generating the number of required homes to plan for. This simply confirms the existing status as set in guidance and Local Authorities can diverge from the standard method in “exceptional circumstances”.

- 2.7 **Retirement housing, housing with care, care homes** – New paragraph 63 of the NPPF includes specific expectations to ensure authorities take particular care to make sure they meet the need for this type of occupation.
- 2.8 **Energy Efficiency** – New paragraph 164 puts ‘significant weight’ to the importance of energy efficiency through the adaptation of buildings.
- 2.9 **Increased reference to “beauty”** – littered throughout the NPPF, likely to put increased focus on decision-makers to consider high-quality design standards. However, “beauty” remains ill-defined and likely to be subjective on the part of the decision-maker.

Implications

Corporate Plan: Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, and improving parks and green spaces.

Legal: The NPPF requires local authorities to develop local plans for development in their area that are consistent with national policy. In turn, applications for planning permission must be determined in accordance with Local Development Plans, unless material considerations indicate otherwise. The National Planning Policy Framework is a consideration in all decision making as part of the planning process. Any implications relating to the Local Plan will be kept under review. [RLD 14/02/2024]

Finance: There are no direct financial implications contained within this report. [PH 12/02/2024].

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	None.
Housing Revenue Account – Revenue Budget	None.
Housing Revenue Account – Capital Programme	None.

Risk:

Human Resources: There are no direct HR implications contained within this report.[KB 15/02/2024]

Environmental/Sustainability: Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

Equalities: An Equality Impact Assessment has been undertaken as part of the consideration of the Regulation 19 Local Plan.

Other Implications: None.

Reason(s) for Urgency: Not applicable.

Reason(s) for Exemption: Not applicable.

Background Papers: None

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