

36 NPPF CONSULTATION

There is much to digest in the coming few weeks as concurrent with the work on the Local Plan and the review of the Rye NP, We will continue to monitor the impacts of the proposed NPPF changes, working with Rother Planners to understand how they might impact locally.

1.The Government has set out specific planning policy changes (please see enclosed) by amending the NPPF. This revised policy is aimed at contributing to the Government's commitments to achieve economic growth (and build 1.5 million new homes". Concurrently you will know that we are working on a new Rother Local Plan and an updated Rye NP (Revised draft will be circulated).

2.In Parliament on 30 July, the Government set out the revised NPPF and launched an 8-week consultation (with 106 questions) running until 24th September 2024.

3.Specifically, as they apply to Rye, the changes will:

make mandatory the "standard method" for assessing housing needs, requiring local authorities to plan for the resulting "housing need" figure, planning for a lower figure only when they can demonstrate serious constraints (Rye?) and that they have exhausted all other options. The effect of the revised Standard Method results in the overall national housing need rising by 21.73%, from 305,223 to 371,541 annually. Whereas adjustment of targets varies across the Country, it is believed at this stage that the increase for Rother will be in the order of 20%. If disaggregated to Rye that translates to the order of 40 to 60 additional dwellings, which we would seek to meet through dwellings achieved within the current site allocation.

b. reverse other changes to the NPPF made in December 2023, which are claimed to be "detrimental to housing supply", such as the reinstatement of the requirement for a 5 Year Housing Land Supply (5YHLS). The requirement to demonstrate a 5 years' supply of specific, deliverable housing sites is reinstated, irrespective of progress in preparing a new Local Plan. The 5% and 20% buffer that previously applied in calculating 5YHLS is also proposed to be restored, with the latter only being applied where a LPA significantly under delivers against their housing requirement as measured through the Housing Delivery Test or local housing need where relevant.

c. broaden the existing definition of brownfield land and set an expectation that applications on brownfield land (Rye's allocation is generally on brownfield sites) will be approved and that plans should promote an uplift in density in urban areas.

d. improve the operation of 'the presumption' in favour of sustainable development (but must include a consideration of all socio, eco and environmental factors), to ensure that it acts as a failsafe to support housing supply, by clarifying the circumstances in which it applies; but, introducing new safeguards, to make clear

that its application cannot justify poor quality development (design should now not be “beautiful” but “quality”) that the development cannot be at the expense of environmental and natural constraints (important for Rye) such as protected biodiversity and flood risk.

e. deliver affordable, well-designed homes, with certain new “golden rules”, with, in the case of residential development, the provision at least 50% affordable housing, with an appropriate proportion being Social Rent, “subject to viability”; (this last has been used by Rye developers to avoid contribution).

f. make wider changes to ensure that local planning authorities are able to prioritise the types of affordable homes their communities need on all housing development (v important) and that the planning system supports a more diverse housebuilding sector;

g. deliver infrastructure, services and green spaces to support the community; (Process and funding is an issue).

h. support clean energy and the environment, including through support for onshore wind and renewables. LPAs should proactively identify sites for renewable and low carbon development when producing plans, where it is likely that in allocating a site, it would help secure development.

4. The NPPF consultation proposes several changes to plan-making with the intention of driving all plans to adoption as fast as possible. The goal is to achieve universal plan coverage in this Parliament.

5. The provisions of the NPPF will generally be adopted immediately following final publication, although a few transitional provisions will apply, which means that plans at examination (Regulation 22) will continue. However, where there is a significant gap between the plan and the new local housing need figure, authorities will need to begin a plan immediately in the new system to address the shortfall. Plans at an advanced stage of preparation (Regulation 19) will be allowed to continue to examination unless there is a significant gap between the plan and the new local housing need figure. In this event, authorities will have to rework their plans to take account of the higher figure. Plans at an earlier stage should use the new revised version of the National Planning Policy Framework and progress as quickly as possible. Plans that had reached Regulation 18 stage (Rother?) are no longer protected, or “let off the hook” on the basis of just a four year housing land supply, and consequently they can once again be challenged for having less than a 5YHLS. (Rother?)

6. Policy affecting the Green or “Grey” Belt does not impact on Rye as it is confined to green areas surrounding major cities.

7. The Government intends to use a carrot and stick approach to incentivise authorities to progress and have up-to-date local plans in place. Recognising the additional work, the Government offers financial support to assist authorities that are required to amend plans. The consultation also sets out proposals to amend the

local plan intervention criteria to drive progress, including by taking over an authority's plan making process.

8. There is much to digest here, concurrent with work on the Rother Local Plan and the review of the Rye NP. We will continue to consider the impacts of the proposed NPPF changes, working with Rother Planners to understand how they might impact locally.

9. Rye should comment on the proposed NPPF. I do not suggest that we tackle all 106 questions, but we should underscore the following:

a.the value of communities making NPs, which remain in the proposed NPPF;

b.the challenge of balancing the developers' requirement to make their 20% profit on their schemes while at the same time meeting community requirements for housing mix, additional infrastructure and design. "Viability" rules need to be revisited.

c.the difficulties and increased cost (affects viability) of developing brownfield sites;

d.the serious constraints – geography and bio diversity - on development in places such as Rye, which limit the scope for significant rise in target numbers;

e. the need for quality design to help conserve the unique character of settlements like Rye.

f. the pressing need for investment in improved infrastructure and services such as medical, education, water and sewerage to match development.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

The Consultation

Need to tackle the consultation on the proposed NPPF, revised by Labour as an early measure to increase growth. This proposal revises the policy put in place by the Conservatives in Dec 2023. There are 106 questions. Reassured that the text on neighbourhood plans survives in the new version: paras 29, 30 and 71.

"29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.

30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

71. Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 70a) suitable for housing in their area."

The consultation began on Tuesday 30 July 2024 at 2pm and will close at 11.45pm on Tuesday 24 September 2024.

<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system#:~:text=Duration,on%20Tuesday%202024%20September%202024.p>

The latest draft NPPF text is here.

<https://acrobat.adobe.com/id/urn:aaid:sc:EU:9f6a845a-7692-403b-bdca-6ed6911f7959>

NPPF – Table of 106 Questions

Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?

Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?

Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?

Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?

Question 11: Do you agree with the removal of policy on Annual Position Statements?

Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?

Question 14: Do you have any other suggestions relating to the proposals in this chapter?

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?

Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?

Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

Question 19: Do you have any additional comments on the proposed method for assessing housing needs?

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?

Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?

Question 38: How and at what level should Government set benchmark land values?

Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?

Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?

Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?

Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?

Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?

Question 46: Do you have any other suggestions relating to the proposals in this chapter?

Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?

Question 49: Do you agree with removing the minimum 25% First Homes requirement?

Question 50: Do you have any other comments on retaining the option to deliver

First Homes, including through exception sites?

Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?

Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?

Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

Question 54: What measures should we consider to better support and increase rural affordable housing?

Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?

Question 56: Do you agree with these changes?

Question 57: Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?

Question 60: Do you agree with proposed changes to policy for upwards extensions?

Question 61: Do you have any other suggestions relating to the proposals in this chapter?

Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

Question 63: Are there other sectors you think need particular support via these changes? What are they and why?

Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

Question 66: Do you have any other suggestions relating to the proposals in this

chapter?

Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?

Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

Question 71: Do you have any other suggestions relating to the proposals in this chapter?

Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?

Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?

Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

Question 81: Do you have any other comments on actions that can be taken through

planning to address climate change?

Question 82: Do you agree with removal of this text from the footnote?

Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

Question 86: Do you have any other suggestions relating to the proposals in this chapter?

Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?

Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?

Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?

Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

If Yes, please explain in the text box what you consider an appropriate fee increase would be.

Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?

Yes

No – it should be higher than £528

No – it should be lower than £528

no - there should be no fee increase

Don't know

If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.

Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct

fee should be.

Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?
Please give your reasons in the text box below.

Question 95: What would be your preferred model for localisation of planning fees?

Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.

Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.

Neither

Don't Know

Please give your reasons in the text box below.

Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?

Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

Question 102: Do you have any other suggestions relating to the proposals in this chapter?

Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?

Question 104: Do you agree with the proposed transitional arrangements?

Question 105: Do you have any other suggestions relating to the proposals in this chapter?

Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

Rye should comment on the proposed NPPF. I do not suggest that we tackle all 106 questions, but we should underscore:

P30-31 + 38 + 72: Support the value of NPs which remain in the proposed NPPF;

P71: underscore the difficulties of developing brownfield sites;

P84: support the need for flexibility to accommodate needs not anticipated in the plan;

P88: support the need for edge of centre commercial sites with good connections to Town Centre;

P95 and on: underscore the need for improved infrastructure and all services to match development.

P159 and on: - underscore land with constraints – flood risk and impacts such as land instability (P180 - 185) and protected bio diversity of landscape – as this limits the scope for significant rise in target numbers;

P128 and on: underscore the need for quality design to help conserve the unique character of these settlements and (P200 and on) protecting heritage assets.

Anthony Kimber PhD
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