

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – TUESDAY, 21 FEBRUARY 2023



Title of Report	LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY (NPPF) – RESPONSE TO CONSULTATION	
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Background Papers	Levelling-up and Regeneration Bill: reforms to national planning policy National Planning Policy Framework Freeport Housing Need Report FINAL.pdf (nwleics.gov.uk)	Public Report: Yes Key Decision: Yes
	Financial Implications At this stage it is considered that the financial implications of the proposals set out in the consultation would be likely to be neutral. Some aspects have the potential to result in costs savings, for example by minimising discussion at any Local Plan Examination. However, other aspects may require additional expenditure, for example commissioning consultants. Signed off by the Section 151 Officer: Yes	
Legal Implications	The NPPF is material consideration when preparing Local Plans and in determining planning applications and so any changes will influence future Council decisions.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified at this stage.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To outline proposals from government for further planning reforms by government and to agree a suggested response to go forward for consideration by Cabinet.	
Recommendations	THAT: (i) THIS COMMITTEE RECOMMENDS THAT CABINET RESPONDS TO THE CONSULTATION IN RESPECT OF THE LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY (NPPF) AS SET OUT IN SECTIONS 3 TO 15 OF THIS REPORT; AND	

	(ii) FOR THE REASONS SET OUT IN SECTION 16 OF THIS REPORT THAT NO CHANGE BE MADE AT THIS TIME TO THE HOUSING REQUIREMENT AGREED AS PART OF THE NEW LOCAL PLAN, BUT THAT THE MATTER BE KEPT UNDER REVIEW
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1 BACKGROUND

- 1.1 On 22 December 2022, the UK Government published a consultation document on the proposed reforms to National Planning Policy and a corresponding draft version of a new National Planning Policy Framework (NPPF) which sets out Government's planning policies for England. The consultation is open until 2 March 2023.
- 1.2 The consultation documents can be viewed at <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>
- 1.2 The purpose of this report is to consider the proposals and how the Council should respond to them. The consultation will be considered by Cabinet at its meeting on 28 February 2023. The recommendations above allow for this Committee's comments to be forwarded to Cabinet as part of its considerations.

2 THE CONSULTATION

- 2.1 The proposed reforms to National Planning Policy cover a wide-range of proposals both for immediate implementation and then for a fuller update of the NPPF later in 2023 and beyond.
- 2.2 Two separate documents have been published:
- A consultation document which sets out proposed changed wording to the NPPF to take effect immediately (subject to the outcome from consultation) and also highlights future potential additional changes, including more information regarding the introduction of National Development management Policies; and
 - An updated NPPF with the proposed wording changes highlighted
- 2.3 The consultation document is divided in to 15 separate chapters covering a range of issues and setting out some 58 questions.
- 2.4 The consultation covers a broad sweep of issues, but it is noticeable that the government has provided little detail for many of the issues and is instead seeking views on what changes might be appropriate. Further changes will not take place until after the Levelling -Up and Regeneration Bill has completed its passage through Parliament and gained Royal Assent, currently anticipated to be Spring 2023.
- 2.5 The following sections provide a brief summary of the various chapters along with a brief comment as necessary followed by the suggested response to the various questions.

3 CHAPTER 1 - INTRODUCTION

- 3.1 This section provides some background information to the NPPF and the Levelling - Up and Regeneration Bill (hereafter referred to as The Bill), including reasons for the proposed changes. In particular, it states the Government's view that *"Our proposed reforms create clear incentives for more local authorities to adopt [local] plans"*. This is because *"our analysis shows that having a sound plan in place means housing delivery increases compared to those local authorities with an out-of-date plan, or no plan at all"*.
- 3.2 There are no specific questions relating to this section.

4 CHAPTER 2 – POLICY OBJECTIVES

- 4.1 This notes the intention that the proposed changes will support the Government's wider objective to make *"the planning system work better for communities, delivering more homes through sustainable development, building pride in place and supporting levelling up more generally"*. It goes on to list the following objectives:
- Building beautiful and refusing ugliness
 - Securing the infrastructure needed to support development
 - More democratic engagement with communities on local plans
 - Better environmental outcomes
 - Empowering communities to shape their neighbourhoods
 - All this is needed to deliver more homes in the right places, supported by sustainable and integrated infrastructure for our communities and our economy
- 4.2 There are no specific questions relating to this section.

Comment

- 4.3 The consultation refers to changes proposed as part of The Bill to include measures to capture uplifts in land value through a new Infrastructure Levy and the requirement for Infrastructure Delivery Strategies. The new Levy will be set locally, will largely replace the need for s106 agreements and, unlike the Community Infrastructure Levy, will be mandatory. These changes, the consultation suggest, *"will ensure that development delivers the infrastructure that communities need and expect, including at least as much affordable housing as at present"*.
- 4.4 Notwithstanding the laudable aims, the consultation document does not mention anywhere the issue of viability. If it is the government's intention to continue to require that developments are viable, then it is considered that these aims will be difficult to achieve. Furthermore, many of these changes will not take effect for some time but it is still necessary to ensure that development continues at a pace to meet identified needs. This will mean balancing infrastructure requirements (and costs) against viability at the point that planning applications are determined and, almost inevitably, will result in trade-offs.

5 CHAPTER 3 – PROVIDING CERTAINTY THROUGH LOCAL AND NEIGHBOURHOOD PLANS

- 5.1 This section starts with the premise that *"Every local authority should have a simple, clear local plan in place to plan for housing delivery in a sustainable way for years to*

come. However, only around 40% of local authorities have local plans adopted within the past five years”.

Reforming the five-year housing land supply (5YHLS)

5.2 The Bill will strengthen local plans by increasing the weight given to them. Alongside this, the consultation highlights the following additional changes which are proposed:

- where the housing requirement in a local plan is less than five years old then it would not be necessary to demonstrate a deliverable five-year supply of housing
- the current requirement to include a 5%, 10% or 20% buffer in five-year supply calculation (depending upon local circumstances) would no longer be applied
- where oversupply of homes early in the plan period has occurred then this can be taken in to account when calculating a five-year housing land supply

Comment

5.3 As the housing requirement in the adopted Local Plan is more than five years old then the benefits from the first bullet point will not be realised at this time.

Question 1

Do you agree that local planning authorities should not have to continually demonstrate a deliverable five-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?

Suggested response

These proposed changes are to be welcomed and should provide some incentive to get plans in place. However, the NPPF is still proposed to retain those paragraphs that require authorities to identify a supply of specific deliverable sites for years one to five of the plan period and specific developable sites for years six to ten and where possible, eleven to fifteen. Therefore, this negates this provision to some degree.

Question 2

Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

Suggested response

The Council would support the removal of the need for buffers as part of the 5YHLS as they merely inflate the requirement with no evidential basis provided for the various buffers. Furthermore, it potentially punishes authorities such as North West Leicestershire which have a good track record of over provision in recent years.

Question 3

Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

Suggested response

In terms of oversupply, this is something which has been taken into account in the Council's current five-year land supply assessment. However, this is an issue which has been treated differently at appeals depending upon the views of the particular Planning Inspector. A consistent approach which enables past over supply to be taken into account is to be welcomed.

Question 4

What should any planning guidance dealing with oversupply and undersupply say?

Suggested response

In respect of oversupply, as noted in response to question 3, this Council supports the explicit recognition that it should be appropriate to take into account oversupply.

In terms of undersupply, whilst the Council recognises that this should be taken into account, it is important that any guidance recognises that there may be occasions where an under supply of housing, whether in total or as part of a five-year land supply assessment, is appropriate. For example, larger developments are likely to require more infrastructure but equally they are more likely to be able to support such provision. One way to address some of these concerns as part of the local plan might be to push back those larger developments to later in the plan period. However, this will the raise issues in terms of maintaining a five-year housing land supply. It would be helpful if the NPPF made it clear that such an approach is appropriate as part of plan preparation, subject to a Planning Inspector being satisfied at Examination that the overall housing requirement will still be delivered. Where this is the case, then this should be acknowledged as a legitimate reason as to why a 5YHLS might not be demonstrable.

Boosting the status of Neighbourhood Plans

- 5.4 Existing NPPF paragraph 14 gives strong protection from speculative development to areas with a neighbourhood plan less than two years old that meets its housing requirement. It is proposed to extend this protection to neighbourhood plans up to five years old. In addition, it is also proposed to provide further protections by removing tests relating to demonstrating a minimum housing land supply and the Housing Delivery Test.

Question 5

Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Suggested response

The proposed changes in respect of neighbourhood plans are welcomed as it will help to protect local communities and avoid the cost and commitment of almost constant updates. However, there may be circumstances whereby a neighbourhood plan is less than five-years old, but a new local plan is adopted which uses a different housing requirement. Guidance needs to make clear how neighbourhood plans are to be considered in such circumstances.

6 CHAPTER 4 – PLANNING FOR HOUSING

- 6.1 The consultation notes that “*Ensuring that enough land is allocated to provide the right homes in the right places that our communities need, alongside other economic, social and environmental needs, is a central task of planning*”. To this effect it is proposed to make changes to the opening chapters of the NPPF to emphasise the importance of planning for homes.

Question 6

Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

Suggested response

The NPPF recognises the purpose of the planning system is to contribute to the achievement of sustainable development. Emphasising the importance of housing and other forms of development at the expense of other considerations, particularly environmental considerations, is at odds with this. It is considered that such an approach is inappropriate in the context of seeking to achieve sustainable development which needs to balance all considerations.

Local housing need and the standard method

- 6.2 It is proposed to retain the standard method for calculating an areas housing need, although it is to be an “*advisory starting point*”, rather than mandatory as at present. There is also a commitment to review the implications for the standard method when new household projections are published in 2024 based on the 2021 census. However, for now it is proposed to retain the use of the 2014-based household projections.

Comment

- 6.3 In terms of the current review of the Local Plan, the housing requirement is (via the Leicester and Leicestershire Statement of Common Ground) based on the 2014-based household projections. This ensures that it is consistent with the current Planning Practice Guidance.
- 6.4 The comment that the standard method is ‘mandatory’ is somewhat misleading. The Planning Practice Guidance states that “*No,[it is not mandatory] if it is felt that circumstances warrant an alternative approach but authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances*”. It will be noted that this also allows for using alternative methods to identify housing requirements in ‘exceptional circumstances’.
- 6.5 As such, the proposed ‘changes’ do not amount to a significant change.

Question 7

What are your views on the implications these changes may have on plan-making and housing supply?

Suggested response

Whilst welcoming the proposed wording, the Council notes that Planning Practice Guidance already notes that the standard method is not mandatory.

It would be helpful when the government has considered the implications of the 2021 census if guidance is issued as to how plans that are proceeding at that time should take in to account any changes, for example by including a transitional period.

Introducing new flexibilities to meeting housing needs

- 6.6 Notwithstanding the intention to retain the standard method to calculate housing requirements, the consultation proposes that from Spring 2023, alternative methods can be used to identify a housing requirement where there are exceptional circumstances. These will be outlined in new guidance. The examples given in the consultation document include circumstances where there is a high percentage of elderly resident's or students, but other examples are sought as part of the consultation.
- 6.7 The consultation makes clear that any alternative proposals in respect of housing requirements will need to be evidenced and that "*the plan makes appropriate and effective use of land, and where all other reasonable options to meet housing need have been considered*". It would also be possible to plan for more growth than the standard method for example to capitalise on economic development opportunities.

Comment

- 6.8 As noted above, the Planning Practice guidance already recognises that there may be exceptional circumstances which could justify the use of alternative methods. As such this is not a significant change. Further guidance is required to help understand what would constitute exceptional circumstances.
- 6.9 Members will recall that the housing requirement as part of the new Local Plan has been set at 686 dwellings each year, based on the Statement of Common Ground. This proposed change, if carried forward, may have implications for this requirement. This is considered further in section 16 of this report.

Question 8

Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

Suggested response

The need to evidence any alternative methods is appropriate, but terms such as "exceptional circumstances" are open to interpretation which will almost certainly

result in prolonged discussion at Examinations from those seeking alternative figures (whether higher or lower). It is essential that any further guidance that is issued is clear and unambiguous as to what would constitute exceptional circumstances so as to minimise such a risk.

- 6.10 It is proposed to amend the NPPF so that if housing need can be met only by building at densities which would be significantly out-of-character with the existing area this may be an adverse impact which could outweigh the benefits of meeting need in full. The consultation is seeking other examples which might justify an alternative approach.
- 6.11 In addition, it is proposed to allow authorities to take account of over delivery in the preceding plan period. This would enable authorities to deduct any surplus provision from the needs in a new plan. This would be separate to the proposals in respect of five-year land supply outlined earlier.
- 6.12 Other changes are also proposed in relation to housing and the Green Belt.

Comment

- 6.13 The proposal to be allowed to take account of over provision in the preceding plan period is potentially very significant for this Council. This is considered further at section 16 of this report.
- 6.14 Members will recall that the adopted Local Plan includes a housing requirement of 481 dwellings each year. For the period from 2011-2020 (the start date for the new local Plan) this equates to a requirement of 4,329 dwellings. The actual total provision was 5,490 dwellings or 610 each year. This is a difference of 1,161 dwellings.
- 6.15 If it were possible to take this account of the requirement for the new Local Plan (686 dwellings each year which equates to 13,720 dwellings over the plan period 2020-40) then the overall requirement would decrease to 12,559 dwellings.
- 6.16 Allowing for completions and projected completions as well as an additional 10% flexibility allowance this leaves a residual requirement of 6,681 dwellings (as at April 2022). Deducting the over provision for 2011-20 (1,161) would reduce this to about 5,500 dwellings which is clearly a significant difference. Further clarification is required from government as to how it sees this matter operating, but potentially this could be of considerable significance for the new Local Plan. However, any clarification is required urgently in order to avoid delaying the new Local Plan or resulting in abortive work.
- 6.17 On the issue of densities, it is difficult to see how this issue could be applied to areas such as North West Leicestershire which are a mix of settlements of different size and character and large undeveloped, rural areas. This issue would seem to be more appropriate in larger urban areas but also seems at odds with the urban uplift applied as part of the standard method. For example, it might be possible for a large urban authority to argue that if it were to accommodate all of its needs then this would result in higher densities out of keeping with the local character. This could then be used to justify exporting unmet need to surrounding authorities contrary to other statements about such areas meeting their own needs.

Question 9

Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

Suggested response

The recognition that there may be circumstances where an authority is not able to accommodate its growth is welcomed. However, it is not clear as to whether in the event that an authority is not able to meet its need, whether this unmet need will then need to be accommodated by other authorities as is currently the case under the proposed 'alignment policy' (see further consideration of this below).

In terms of other potential circumstances that could justify not being able to meet an area's needs, are environmental factors such as the impact of nutrient neutrality or where there are significant areas of importance for nature conservation purposes, such as Sites of Special Scientific Interest or Areas of Special Conservation (for example, the River Mease).

The Council welcomes the proposal to allow previous over provision to be factored in to assessing future requirements, but notes that clarification and further guidance is required urgently in order to avoid delaying the new Local Plan which the Council is preparing or resulting in abortive work.

Question 10

Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

Suggested response

No comment

- 6.18 It is proposed to simplify and amend the tests of 'soundness' through which plans are examined, so that they are no longer required to be 'justified'. Instead, the Examination would assess whether the local planning authority's proposed target meets need so far as possible, takes into account other policies in the Framework, and will be effective and deliverable, subject to producing evidence to justify the proposed approach. It is proposed to introduce this change in Spring 2023. However, it is not proposed to apply to plans that reach pre-submission consultation (i.e. Regulation 19) within three months of the introduction of this change (or where a plan has been submitted).

Comment

- 6.19 The tests of soundness are currently that a plan must be:
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other

authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

6.20 It is proposed to delete b). It is also proposed to amend a) to state:

“providing a strategy which seeks to meet the area’s objectively assessed needs so far as possible, taking into account the policies in this Framework”

6.21 Both of these proposed changes are highly significant and would reduce the burden upon local authorities in terms of the amount of evidence required (a stated aim of the government) and would potentially help to make evidence more proportionate, because at the present time there is a risk of challenge to plans at Examination or through the courts. On the face of it the inclusion of the words “as a far as possible” in a) would provide an authority to with greater flexibility, but presumably there would still be some expectation that an authority would be required to produce sufficient, robust evidence to support a plan which sought to meet less than an areas identified need and so its impact in terms of reducing any burden would be lessened to some degree. Again, clarification is required on this.

6.22 These changes would apply to the new Local Plan as it would not have proceeded as far as Regulation 19 by mid-2023.

6.23 It is likely that these proposals will be strongly resisted by the development sector and so may not survive in their current form. For now, preparation of the Local Plan will continue on the basis as currently set out in the NPPF.

Question 11

Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

Suggested response

The proposed change is welcomed. However, clarification is required in respect of what evidence an authority would need to provide in order to demonstrate that seeking to meet less than an areas identified need was appropriate. It would also help if government was to provide guidance on the evidence base which councils need to prepare for their local plans.

Question 12

Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Suggested response

No comments

Delivering the urban uplift

- 6.24 It is proposed to retain the urban uplift introduced in December 2021 which saw the Leicester City requirement increase by 35% and which then resulted in a Statement of Common Ground to address the issue of unmet need which was considered by this Council in September 2022. However, it is proposed to include a new paragraph in to the NPPF to state:

“The Standard Method incorporates an uplift for those urban local authorities in the top 20 most populated cities and urban centres. This uplift should be accommodated within those cities and urban centres themselves unless it would conflict with the policies in this Framework and legal obligations.”

- 6.25 As part of The Bill it is proposed to remove the Duty to Cooperate. It will be replaced with an “alignment policy” which will be the subject of guidance as part of further revisions at a future date to the NPPF (see comments at paragraph 11.3 in relation to question 45). The consultation notes that there is sometimes minimal distinction between areas that are part of one of the 20 urban uplift authorities and neighbouring authorities. The consultation is seeking views on how such authorities should consider their role in meeting the needs of an uplift authority.

Comment

- 6.26 The proposed wording of the NPPF reflects the wording in the Planning Practice Guidance which states *“This increase in the number of homes to be delivered in urban areas is expected to be met by the cities and urban centres themselves, rather than the surrounding areas, unless it would conflict with national policy and legal obligations”*. As such it does not represent a significant change.
- 6.27 The abolition of the Duty to Cooperate has been long heralded. Until further guidance is issued regarding the proposed “alignment policy”, it is difficult to comment how significant its abolition will be in reality. In any event, the government should be encouraged to publish such guidance as soon as possible.
- 6.28 The comments about the lack of distinction between those urban areas subject to the uplift (which includes Leicester City) suggests that it is the government’s intention that it is immediate neighbouring authorities that should meet any unmet need. Clarification on this is required as the Statement of Common Ground for Leicester and Leicestershire distributes the Leicester City unmet housing need across the whole of the Leicester and Leicestershire Housing Market Area. In doing so it has had regard to the functional relationship between each authority and Leicester City by looking at commuting and migration patterns. This demonstrated that in the case of North West Leicestershire there was a somewhat limited relationship. This is reflected in the initial uplift to this Council’s housing requirement (52 dwellings out of an overall increase of 314 dwellings). However, the Statement of Common Ground then went on to consider other aspects, including the relationship between housing and economic growth. It is this aspect that has driven the increased housing requirement in North West Leicestershire and would continue to be a factor in setting

any housing irrespective of the SoCG. This is considered further at section 16 of this report.

Question 13

Do you agree that we should make a change to the Framework on the application of the urban uplift?

Suggested response

The Council welcomes the proposed change which reflects the existing Planning Practice Guidance.

Question 14

What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

Suggested response

More clarity is required regarding the government's expectations of where it intends that any unmet needs from large urban areas should be met. For example, should it be in those authorities that adjoin such areas and which are possibly part of a wider urban area or is it at the housing market area level?

Question 15

How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

Suggested response

It is considered that government needs to be clear about how it sees the urban uplift issue being addressed. In Leicester and Leicestershire, the issue of unmet need from Leicester City has been addressed on a Housing Market Area basis. In doing so the authorities have had regard to economic growth across the HMA. This has resulted in a very significant increase in growth for North West Leicestershire, even though it does not share a common boundary with the City. This makes it difficult to explain to our communities as to why we are expected to take so much of the City's unmet need. If it is the government's intention that in the first instance it is those authorities that adjoin those areas subject to the uplift who should help address any unmet need, then this should be made clear.

Enabling communities with plans already in the system to benefit from changes

- 6.29 The government recognises that any changes to emerging plans which are necessary may result in delays in getting an up-to-date plan in place. To reduce the risk of communities being exposed to speculative development, it is proposed that where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation AND which included both a policies map and proposed allocations towards meeting housing need, those

authorities will benefit from a reduced housing land supply requirement. This will be a requirement to demonstrate a four-year supply of land for housing, instead of the usual five. These arrangements would apply for a period of two years from the point that these changes to the Framework take effect, since our objective to provide time for review while incentivising plan adoption.

Comment

- 6.30 Assuming that this change is agreed and is effective from Spring 2023 this would not apply to this Council because whilst Regulation 18 consultation has taken place, it has not included a policies map and allocations.

Question 16

Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

Suggested response

The Council supports the proposed approach, although notes that it would not apply to the Council.

Question 17

Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

Suggested response

The Council supports anything that provides clarity and hence consistency of approach.

Taking account of permissions granted in the Housing Delivery Test (HDT)

- 6.31 The Housing Delivery Test (HDT) is an annual measurement of housing delivery used by the government. Under the HDT an authority is required to have completions that are equal to at least 95% of the authority's annual requirement over the preceding three years. Where this is not the case then an authority has to produce an action plan to show how it will address the shortfall.
- 6.32 The last figures for 2021 were published in January 2022 and the figure for North West Leicestershire was 227% (i.e. the number of homes required in the preceding three years was 954 dwellings but in actual fact some 2,169 dwellings were delivered).
- 6.33 Changes are proposed to the HDT in order that authorities are not penalised due to slow delivery as a result of developer behaviour. This would 'switch off' the application of 'the presumption in favour of sustainable development' in the NPPF as a consequence of under-delivery, where a local planning authority can demonstrate that there are 'sufficient' deliverable permissions to meet the housing requirement set out in its local plan. Sufficient permissions would be set at 115% of the housing

requirement. So, for example, if the housing requirement was 1,000 dwellings over the forthcoming five-years then an authority would need to show that there were sufficient deliverable permission totalling 1,150 dwellings.

- 6.34 The consultation document seeks views on what should count as a deliverable permission.

Comment

- 6.35 In principle this could be a positive change. However, the requirement to demonstrate the availability of deliverable permissions equal to 115% of the housing requirement in effect adds in a 15% buffer, but as noted at paragraph 5.2 as part of the reforms to the five-year housing land supply it is proposed to abolish the need for buffers. There is, therefore, an inconsistent approach.
- 6.36 If government decides to implement this proposal there needs to be clarity about what constitutes a deliverable permission. In this respect, the NPPF currently defines what a deliverable site is. It would seem reasonable to use this as the basis for any assessment. However, it would help if further guidance were published to address the issue of where a site has outline permission what evidence would be required to demonstrate that a site is deliverable.
- 6.37 It should be noted that it is likely that developers will use the 115% figure to push for a flexibility allowance of 15% as part of local plans. This Committee has previously agreed a flexibility allowance of 10%, so there is a risk that this might need to be increased. A flexibility allowance of 15% would add an additional 602 dwellings to the residual requirement.

Question 18

Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

Suggested response

In principle the Council supports this proposed change. However, for the reasons outlined in response to question 19 has concerns about the details of the proposal.

Question 19

Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

Suggested response

The Council considers that the requirement to demonstrate 115% of deliverable permissions is inappropriate. It is contradictory to proposals elsewhere in the consultation document to remove such buffers when assessing five-year land supply and simply increases the pressure to unnecessarily release additional land for development.

In the event that it is decided to implement the proposal, then whatever figure is used needs to be adequately justified. It is noted that the consultation document refers to work undertaken by the government, but it would be helpful if this data could be published in the interests of transparency.

Question 20

Do you have views on a robust method for counting deliverable homes permitted for these purposes?

Suggested response

It would seem sensible to use the definition of deliverable that is currently used in the NPPF. However, in order to ensure a consistent approach, further guidance is required to address, for example, issues such as where a site has outline permission what evidence would be required to demonstrate that a site is deliverable.

- 6.38 The consultation is seeking views on whether the test's consequences should follow from the publication of the 2022 Test or if they should be amended, suspended until the publication of the 2023 Housing Delivery Test, or frozen to reflect the 2021 Housing Delivery Test results while work continues on our proposals to improve it.

Question 21

What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

Suggested response

In order to avoid confusion whilst transitioning to the new approach, it is considered that results should either be frozen at 2021 or suspended.

7 CHAPTER 5 – A PLANNING SYSTEM FOR COMMUNITIES

- 7.1 The consultation highlights that it is important that the planning system delivers the right type of homes required by communities, not just the number. A number of proposals are put forward for effect from Spring 2023.

More homes for social rent

- 7.2 It is proposed to change the NPPF to make clear that local planning authorities should give greater importance in planning for Social Rent homes, when addressing their overall housing requirements in their development plan and making planning decisions.

More older people's housing

- 7.3 It is proposed to add an additional specific expectation in the NPPF that ensures that the needs of older people are met, with particular regard given to retirement housing, housing-with-care and care homes, which are important typologies of housing that can help support an ageing population.

Comment

- 7.4 The Council's evidence demonstrates that the need for social rented properties is high. The available evidence also shows that the population of the district is ageing. The suggested changes are to be welcomed as it will be potentially easier to persuade applicants to include such provision. However, a key issue in terms of securing social rented properties is the impact upon site viability. The consultation is silent on the issue of viability and unless the current approach is changed it is difficult to see how the aim of securing more social rented properties will be achieved in reality.

Question 22

Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

Suggested response

The Council supports the proposed change as it will help to address issues relating to affordability. It will also help to offset the potential impact of First Homes to reduce the number of social rented properties that can be secured. However, it is noted that the consultation is silent on the issue of viability. Unless the current advice regarding viability is amended, it is difficult to see how the aim of securing more social rented properties will be achieved in reality.

Consideration should also be given to other means to ensure that sufficient Social Rented properties are delivered by Registered Providers, for example through a reduction in grant to Registered Providers who do not sufficiently prioritise the provision of social rented properties in new schemes.

It is noted that no changes are currently proposed to the NPPF in respect First Homes to reflect the Written Ministerial Statement. It would be helpful to do so.

Question 23

Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

Suggested response

The Council supports the proposed change. However, it is noted that the consultation is silent on the issue of viability. Unless the current advice regarding viability is amended, it is difficult to see how the aim of securing more social rented properties will be achieved in reality. In addition, consideration should be given to other means of helping to meet the needs of older persons other than through the planning system. For example, the use of schemes such as Leasehold Scheme for the Elderly which supports downsizing and so releases larger properties on to the housing market which could benefit families.

More small sites for small builders

- 7.5 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; unless it can be shown, through the preparation of relevant

plan policies, that there are strong reasons why this 10% target cannot be achieved. In addition, the NPPF encourages the use of various tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward. However, government is of the view that more needs to be done and so is seeking views on how this could be achieved.

Comment

- 7.6 Offices have been looking at this issue as part of the Local Plan review and achieving a 10% figure is going to be very challenging. The Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) includes a number of sites of less than 1 hectare. However, some of these are in unsustainable locations whilst others are often subject to technical constraints, such as access, which makes development difficult to achieve whilst maintaining viability. Government needs to recognise these challenges, particularly in areas which are largely rural and where public transport is poor and adopt a more flexible approach which emphasis the need for local evidence rather than an arbitrary target such as the 10% currently enshrined in the NPPF.

Question 24

Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

Suggested response

The current approach is a one-size-fits-all which does not provide sufficient flexibility to take account of local circumstances. For example, the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) includes a number of sites of less than one hectare. However, some of these are in unsustainable locations, whilst others are often subject to technical constraints, such as access, which makes development difficult to achieve whilst maintaining viability. Government needs to recognise these challenges, particularly in areas which are largely rural and where public transport is poor and adopt a more flexible approach which emphasis the need for local evidence rather than an arbitrary target such as the 10% currently enshrined in the NPPF.

Question 25

How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

Suggested response

As set out in responses to question 24, the government needs to recognise the challenges that exist in other aspects of government policy which restrict the supply of small sites. Consideration needs to be given to relaxing viability requirements on small sites. In addition, consideration should be given to relaxing the deliverability criteria on such sites, as this discourages local authorities from allocating such sites in view of the risk that such allocations are found to not satisfy the test of soundness at local plan examinations.

More community-led developments

- 7.7 The government want to encourage a greater role for community-led housing groups. Therefore, it is proposed to strengthen the NPPF to make sure there is more emphasis on the role that community-led development can have in supporting the provision of more locally-led affordable homes. It is proposed to amend the that the definition of affordable housing be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes.
- 7.8 The government is seeking views on whether the existing rural exceptions policy is acting as a barrier to community groups or if there are any broader changes required to the exceptions policy.

Question 26

Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

Suggested response

Any change in the definition of affordable housing must be balanced against the need to ensure that the interests of tenants of such properties are not undermined by ensuring that any such providers are appropriate and accountable. Need to ensure that registration for smaller niche providers is straightforward. Any developments should be of a suitable quality.

Question 27

Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

Suggested response

A key barrier to community groups is likely to be the cost of acquiring land, rather than any policy issues. Consideration should be given to other means of providing financial assistance for such groups if they are to be successful.

Question 28

Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

Suggested response

See response to question 27. In addition, community groups could be encouraged to work in partnership with Registered Providers who could then receive additional funding from Homes England in recognition of their support.

Question 29

Is there anything else national planning policy could do to support community-led developments?

Suggested response

No comments

7.9 The government recognises that the vast majority of developers and landowners abide by the rules of the planning system. However, there are instances where this is not the case. Therefore, government has set out two options to enable authorities to take account of past irresponsible behaviour in determining planning applications.

- Option 1 would make such behaviour a material consideration when determine planning applications.
- Option 2 would allow authorities to decline to determine applicants submitted by such developers.

7.10 Any change would require primary legislation and so would be sometime before it could be introduced.

Question 30

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

Question 31

Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

Suggested response to Q30 and Q31

There would need to be very clear guidance as to what constitutes irresponsible behaviour, over what period of time would such behaviour have to of occurred and who determines whether such irresponsible behaviour has occurred.. If such guidance is not provided there is a high risk that whichever option was taken forward would result in legal challenges either from developers who have been deemed to acting irresponsibly or from those seeking to stop development.

More build out

7.11 The government wants sites to be built out as quickly as possible once permission is granted. To this end it is proposing a number of measures:

- Government data will be published on developers of sites over a certain size who fail to build out according to their commitments.
- Developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (i.e., the rate at which homes are sold or occupied).
- Delivery will become a material consideration in planning applications.

Question 32

Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

Suggested response

Whilst worthy aims and actions, it is difficult to see how these measures are likely to lead to an increase in provision. There will be a need for clarity on matters such as what constitutes a commitment by a developer. In respect of delivery being a material consideration, there will be a need for guidance from government as to what evidence would be required to support an authority wishing to cite this as a reason for refusal, otherwise it will be an issue debated at appeals and/or result in legal challenges. For example, a change in the economic climate could impact upon deliverability of sites, but this is a matter beyond the control of the developer (or local authority).

8 CHAPTER 6 – ASKING FOR BEAUTY

Ask for beauty

- 8.1 A number of changes are proposed to the NPPF in respect of ensuring that new development is beautiful, building on the work of the Building Better, Building Beautiful Commission. These changes include encouraging local planning authorities to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process. In addition, it is proposed to include reference to encouraging mansard roofs “*as an appropriate form of upward extension ... where appropriate*”.

Comment

- 8.2 These measures are part of an ongoing drive by the government to improve the quality of new developments, partly to make new development more acceptable. The reference to mansard roofs is considered to be too specific for what is national guidance.

Question 33

Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

Suggested response

The Council welcomes efforts to further improve the quality of new developments, something the Council has been pursuing successfully for a number of years. However, there needs to be a recognition that this is just one element when considering proposals for development and there are also other competing priorities, such as addressing climate change, which requires a balanced approach.

Question 34

Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

Suggested response

No comments

Refuse ugliness

- 8.3 It is proposed to amend the NPPF to encourage local planning authorities to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process.

Question 35

Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

Suggested response

The Council supports efforts to improve clarity and already ensures that conditions refer to appropriate plans. It is important that Planning Inspectors are empowered to refuse poorly designed schemes if local aspirations are to be met.

Embracing gentle density

- 8.4 The government recognises that building upwards in a managed way can help to provide new homes. The government wants to encourage a well-designed upward extension, but cites the example of authorities refusing proposals for mansard roofs (i.e. where a mansard typically sits behind and parapet and is characterised by two slopes, the lower steep and the upper shallow).

Question 36

Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

Suggested response

The Council questions whether it is appropriate to include reference to something as specific as mansard roofs in national guidance.

9 CHAPTER 7 – PROTECTING THE ENVIRONMENT AND TACKLING CLIMATE CHANGE

Delivering biodiversity net gain and local nature recovery

- 9.1 This section outlines a number of provisions in the Environment Act 2021, including biodiversity net gain and local nature recovery strategies. The government recognises the concern that developers or landowners may game the system of biodiversity net gains and is looking at ways to ensure this does not happen. The government is also looking to identify ways in which policy can be strengthened and how small-scale changes can be made to support biodiversity and wildlife. More guidance on these is promised.

Question 37

How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?

Suggested response

The NPPF currently says very little about the issue of biodiversity net gain. It would be beneficial to ensure that the NPPF reflects the Environment Act provisions and gives greater weight to the role of biodiversity in new developments, particularly onsite provision and the role of local nature recovery strategies as means to identify local priorities. The environmental objective at paragraph 8(c) of the NPPF could be strengthened through reference to net gain. However, the government needs to recognise that the need for net gain could impact site viability for smaller schemes and therefore, guidance is required to help authorities achieve an appropriate balance between deliverability and net gain.

Recognising the food production value of farmland

- 9.2 A change to the NPPF is proposed regarding the consideration that should be given to the relative value of agricultural land for food production, where significant development of higher quality agricultural land is demonstrated to be necessary, compared to areas of poorer quality land. It is proposed to amend footnote 67 to state:

“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.”

Comment

- 9.3 The former Ministry of Agriculture, Fisheries and Food (MAFF) historically helped to provide agricultural land quality assessments which assisted in assessing the relative merits of sites. Unless it is proposed to do something similar then this proposed change is a cause for concern and there will be a need for government to provide greater clarity. For example, what is meant by food production (i.e. is it just arable farming or also livestock farming?), what is meant by availability and how are we expected to make a judgement. The latter point has the potential to add in a significant amount of work when comparing sites as part of the local plan process

and could result in delays, bearing in mind that a considerable amount of time and resource has already been expended assessing potential sites.

Question 38

Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?

Suggested response

The Council is of the view that the proposed change adds a significant degree of complexity and also risk to the Local Plan process, particularly at a time when the Council has already expended a considerable amount of time and resource assessing potential sites. For example, it will be necessary to compare the relative agricultural merits of different pieces of land, something the Council is not best placed to do. Consideration should be given as to how government can assist local authorities undertake such assessments and what guidance can be made available. For example, what is meant by food production (i.e. is it just arable farming or also livestock farming?) and what is meant by availability.

Climate change mitigation: exploring a form of carbon assessment

- 9.4 The consultation is seeking views on whether effective and proportionate ways of deploying a broad carbon assessment exist, including what they should measure, what evidence could underpin them such as Local Area Energy Plans, and how they may be used in a plan-making context or as a tool for assessing individual developments.

Comment

- 9.5 An understanding of the impact of new development in terms of carbon emissions is a complex area which also has the potential to be resource intensive, particularly for smaller authorities such as North West Leicestershire. Therefore, any steps that can be taken to standardise the approach, both in policy making and ultimately decision making on planning applications, would be welcomed.

Question 39

What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

Suggested response

The Council supports any steps that can be taken to standardise the approach to carbon impact assessments, both in policy making and ultimately decision making on planning applications.

Climate adaptation and flood-risk management

- 9.6 This section outlines a number of initiatives that have been, or are being, undertaken by government, including changes to the Planning Practice Guidance. It also

highlights other possible aspects that could provide better climate change adaptation, including the provision of green infrastructure in new development.

Question 40

Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?

Suggested response

Both the NPPF and the Planning Practice Guidance are currently silent on the issue of nature-based solutions, so some reference to them including examples would be helpful. In particular, such measures need to be integrated into the design of a development from the outset, rather than being seen as an add on or nice thing to do. If national policy reflected these principles it would assist local authorities when working with developers.

10 CHAPTER 8 – ONSHORE WIND AND ENERGY EFFICIENCY

Enabling the repowering of existing onshore wind turbines

- 10.1 It is proposed to amend paragraphs 155 and 158 of the NPPF to support proposals to repower existing onshore wind sites (i.e. replacing old turbines with more powerful and efficient turbines).

Question 41

Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Question 42

Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

Suggested response

This change appears to be sensible, particularly at a time of an energy crisis and a need to move to more sustainable sources of energy.

Introducing more flexibility to plan for new onshore wind deployment

- 10.2 Current guidance stresses the need for local support for proposals for wind turbines. A change to the NPPF is proposed which would retain this principle. The consultation refers to footnote 54, but it appears to be footnote 63. Rather than any proposal having to “fully” address the planning impacts on a local community, the test would be amended to “satisfactorily” and the proposal would need “community support” rather than have “their backing”.
- 10.3 An additional footnote 62 is proposed to state:

Wind energy development involving one or more turbines can be granted through Local Development Orders, Neighbourhood Development Orders and Community

Right to Build Orders, if it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

Question 43

Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

Suggested response

It is assumed that the reference to existing footnote 54, should be footnote 63. It is on this basis that the Council advises that it supports the suggested change, although it would be helpful to provide advice as to what constitutes Community Support and what is the difference between Community Backing and Community Support? The Council has no comments in respect of proposed footnote 62.

Barriers to energy efficiency

- 10.4 It is proposed to introduce a new paragraph to the NPPF which supports efforts to make energy efficiency improvements to buildings by requiring significant weight being given to improving energy performance. It also makes it clear that such proposals affecting conservation area or listed buildings should take account of other policies in the NPPF regarding heritage matters.

Question 44

Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

Suggested response

The Council supports the proposed change, particularly as it makes clear that proposals affecting a conservation area or listed building will also need to have regard to advice elsewhere in the NPPF on these matters.

11 CHAPTER 9 - PREPARING FOR THE NEW SYSTEM OF PLAN-MAKING

- 11.1 The Bill contains various measures which, the government believes, will enable plans to be produced more quickly, including requiring plans to be simpler. The consultation sets out a proposed timeline for moving to the new system. This is summarised at Appendix A of this report.

Giving time to finalise and adopt plans already in development before the reformed plan-making system is introduced

- 11.2 The government recognises that much of the new guidance will impact upon local plans that are currently in production. The consultation outlines proposals for the transition to the new system of plan making. Provision is made so that plans in production up to 30 June 2025 will be done under existing arrangements. It should be

noted that this means that the Duty to cooperate will still apply to the new Local Plan. The examination of plans will be required to be completed by 21 December 2026.

Comment

- 11.3 A firm timetable for the preparation of the new Local Plan has yet to be confirmed, although the intention is to aim to submit the plan in mid/late 2024, well in advance of the mid-2025 dates highlighted above.

Question 45

Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

Suggested response

The Council is satisfied that the proposed timeline is appropriate.

Setting out the timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system

- 11.4 Under the reformed system the Council will be required to start work on a new plan by, at the latest, five years after adoption of their previous plan, and to adopt that new plan within 30 months. Other provisions are designed to protect authorities that have already commenced a review within the first 30 months of the new system, as a result on an Inspector's recommendation.

Question 46

Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

Suggested response

The Council is satisfied that the proposed arrangements are appropriate.

Neighbourhood Plans

- 11.5 It is proposed that neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework. 'Made' neighbourhood plans prepared under the current system will continue to remain in force under the reformed system until they are replaced.

Question 47

Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Suggested response

The Council is satisfied that the proposed arrangements are appropriate.

Supplementary planning documents

- 11.6 As part of the reforms under The Bill it will no longer be permissible to prepare Supplementary Planning Documents (SPD). Instead, authorities will be able to prepare Supplementary Plans, which will be afforded the same weight as a local plan. It is proposed that when the new system comes into force (expected late 2024), existing SPDs will remain in force for a time-bound period. For authorities working towards the 30 June 2025 deadline and they miss it, their SPDs will expire 30 months after that date i.e. at the end of December 2027.

Question 48

Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

Suggested response

Whilst noting it is a proposal in The Bill, the Council is of the view that no longer being able to produce Supplementary Planning Documents is a retrograde step which will limit the Council's ability to respond to changing circumstances quickly. Changes in national policy (for example the introduction of First Homes) sometimes means that councils have to produce additional guidance for the benefit of applicants and other interested parties. It is not clear as to how this would be addressed under the new system. Supplementary Planning Documents also allow for the provision of more guidance than is possible in a local plan and there is a risk that local plans will become even longer documents and hence slow down the process, contrary to the government's wishes.

12 CHAPTER 10 – NATIONAL DEVELOPMENT MANAGEMENT POLICIES

- 12.1 The Bill proposes to introduce National Development Management Policies (NDMP). This chapter justifies this approach and in particular notes that such policies "*would cover planning considerations that apply regularly in decision-making across England or significant parts of it, such as general policies for conserving heritage assets, and preventing inappropriate development in the Green Belt and areas of high flood risk*".
- 12.2 The intention would be that "*They would not impinge on local policies for shaping development, nor direct what land should be allocated for particular uses during the plan-making process. These will remain matters for locally-produced plans*". However, the Bill would preclude new plans from including policies which duplicate or are inconsistent with NDMP.
- 12.3 The Bill also provides that NDMP would take precedence where there is conflict between them and development plan policies when making a decision on a planning application.
- 12.4 The consultation identifies three broad categories of NDMP:

- Existing policies aimed at decision-making already provided within the National Planning Policy Framework,
- Selective new additions to reflect new national priorities
- 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).

12.5 Any NDMP would be subject to three guiding principles:

- Cover only matters that have a direct bearing on the determination of planning applications;
- Limited to key, nationally important issues commonly encountered in making decisions on planning applications; and
- solely addressing planning issues, in other words that concern the development and use of land (for example they would not consider matters covered by Building Regulations).

12.6 The consultation makes it clear that any draft NDMP will be subject to full public consultation.

12.7 The intention is to set out NDMP in a separate document to the NPPF, with the NPPF refocussed on principles for plan-making. Consultation on the NDMP will be undertaken once The Bill has completed its passage through Parliament.

12.8 The diagram at Appendix B of this report is taken from the consultation and illustrates how NDMP would work with other components of the development plan.

Comment

12.9 The introduction of NDMP does have the potential to save time and resources when preparing Local Plans as it will avoid the necessity to 'reinvent the wheel'. However, it is important that these do not impinge upon the need for local flexibility. It will be particularly important that government has regard to the fact that areas across the country differ greatly and what might be an issue in London (for example), may not be an issue elsewhere.

Question 49

Do you agree with the suggested scope and principles for guiding National Development Management Policies?

Suggested response

The Council recognises that National Development Management Policies do have the potential to save time and resources. However, it is important that any National Development Management Policies do not inhibit local flexibility in those matters of most importance to our local communities.

Question 50

What other principles, if any, do you believe should inform the scope of National Development Management Policies?

Suggested response

It is essential that any National Development Management Policies are clear and concise to avoid uncertainty for all concerned.

- 12.10 In terms of gaps, the consultation highlights a number of examples where NDMP might be appropriate. These are set out at Appendix C of this report.

Question 51

Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

Suggested response

Further guidance is always welcomed, but it is essential that any such guidance is clear so as to avoid confusion rather than create uncertainty.

Question 52

Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

Suggested response

No comments

13 CHAPTER 11 – ENABLING LEVELLING UP

- 13.1 This chapter sets out a number of areas where changes to national planning policy might be made in the future under as part of the government's ambitions set out the Levelling Up White Paper to drive economic growth and boost productivity, pay, jobs and living standards, especially in those places where they are lagging.
- 13.2 The White Paper sets out, amongst other things, 12 Missions to Level Up the UK. These are set out at Appendix D of this report.
- 13.2 To this end the consultation seeks any and all bold, innovative ideas through which the planning system can deliver these ambitions.

Comment

- 13.3 Many of the twelve missions are not matters which can be directly addressed through the planning system, but instead relate to matters such as government funding.

Question 53

What, if any, planning policies do you think could be included in a new framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?

Suggested response

No comments

Levelling up and boosting economic growth

13.3 It is proposed that future revisions to the NPPF will align more closely with the visions of Levelling Up White Paper and to help authorities to attract new business investment in their areas. This will include:

- Ensuring local plans support new business investment;
- Support sectors that will drive up productivity
- Spread financial capital and investment

Comment

13.4 The NPPF section on the economy is very short at only ten paragraphs split over two areas (Building a strong, competitive economy and Ensuring the vitality of town centres). This contrasts with twenty paragraphs on housing. There is scope for more specific guidance regarding what the government sees as key sectors, including any emerging sectors (for example, those associated with renewable energy) and how planning might help to address such needs.

Question 54

How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

Suggested response

At the present time the NPPF says relatively little about the economy, in contrast with say housing. However, economic growth is fundamental to securing a successful future for the country and communities. There is scope for more specific guidance regarding what the government sees as key sectors, including any emerging sectors (for example, those associated with renewable energy) and how planning might help to address such needs.

13.4 As part of the review of the NPPF the government wants to make sure that national planning policies are fully supportive of gentle densification of urban centres, especially outside London and the south east and are seeking suggestions for wider proposals for boosting existing planning policies on brownfield land.

Question 55

Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

Suggested response

Any densification of new development needs to be balanced against the need to create attractive and beautiful places.

Levelling up and boosting pride in place

- 13.5 Chapter 8 of the existing NPPF sets out that, “*planning policies and decisions should aim to achieve healthy, inclusive and safe places*” and also “*planning policies and decisions should promote public safety and take into account wider security and defence requirements.*” The government is seeking views on whether if national planning policy should do more to enable local authorities to consider the safety of women and girls, and other vulnerable groups, when setting policies or making decisions.

Comment

- 13.6 The current NPPF wording could be expanded to provide an indication as to the type of issues that policies might need to address to ensure that places are safe. However, issues such as whether streetlights are lit is not a planning matter.

Question 56

Do you think that the government should bring forward proposals to update the framework as part of next year’s wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

Suggested response

The NPPF currently says very little about safety. It is not totally clear what government has in mind in its suggestion, but as this Council is progressing the preparation of its new local plan, it is essential that any revised guidance is published as soon as possible to minimise disruption to the plan. It would be helpful if the NPPF provided an indication as to the type of issues that policies might need to address to ensure that places are safe. However, it needs to be recognised that some issues (such as whether streetlights should be lit) are not a consideration for planning.

14 CHAPTER 12 - WIDER CHANGES TO NATIONAL PLANNING POLICY IN THE FUTURE

- 14.1 This chapter sets out areas where changes to national planning policy are likely to be needed to reflect the Bill and other aspects of government policy.
- 14.2 There are no specific questions relating to this section.

15 CHAPTER 13 - PRACTICAL CHANGES AND NEXT STEPS

- 15.1 This chapter outlines the government’s ambitions to maximise the use of technology to improve accessibility. It also highlights that National Planning Policy for Waste and Planning Policy for Traveller Sites sit alongside the NPPF and so consideration will be given as to how these matters will set out in the future.

Question 57

Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

Suggested response

The use of digital tools is supported, provided that this does not have cost implications for local authorities.

Question 58

We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

Suggested response

No comments

16 WHAT DO THESE CHANGES MEAN FOR THE NEW LOCAL PLAN?

16.2 At this stage what the government has published are its proposals for change, some of which will take effect (subject to government decisions) in Spring 2023 whilst others are more long term. There is no guarantee that all the proposals will be taken forward.

16.3 Potentially the most significant changes are those that relate to the issue of housing requirements. These can be summarised as:

- Retention of the standard method as an “*advisory starting point*” for calculating housing requirements
- Potential use of alternative methods, where there are exceptional circumstances
- Retention of the urban uplift
- Ability to take into account past over delivery
- Changes to the test of soundness, including a plan no longer needing to be justified and meeting “*the area’s objectively assessed needs so far as possible*”.

16.4 The Committee will recall that the housing requirement as part of the new Local Plan has been set at 686 dwellings each year (13,720 dwellings over the plan period 2020-40), based on the Statement of Common Ground.

16.5 If the proposed changes were carried forward it would potentially be possible to use an alternative method where there are exceptional circumstances. Officers are of the view that such exceptional circumstances do not currently exist.

16.6 In fact, evidence commissioned from the same consultants (Iceni) who prepared the Housing and Economic Needs Assessment that informed the Statement of Common Ground supports the requirement of 686 dwellings. This evidence was commissioned to test whether there would be a need to increase the housing requirement over and above the Statement of Common Ground figure as a result of the Freeport proposals which would increase job provision in the district, in anticipation of such suggestions from objectors.

- 16.7 The study concluded that “*planning on the basis of 686 dpa. is sufficient to meet housing need and accommodate jobs growth associated with the Freeport. It would also provide the potential to improve the balance between housing and jobs within the District ...*”. A copy of the report can be viewed [here](#) .
- 16.8 Whilst the study was commissioned for a different purpose, its conclusions are equally applicable to considering whether there would be any justification to lower the housing requirement from that identified in the Statement of common Ground. There would not.
- 16.9 The other potential significant change relates to the possibility of taking in to account previous over provision in the current Local Plan.
- 16.10 For the period from 2011-2020 (the start date for the new Local Plan) the number of new dwellings which have been built is 5,490. This compares to a requirement of 4,329 dwellings. This is a an additional 1,161 dwellings.
- 16.11 If it were possible to take this into account when confirming the requirement for the new Local Plan (686 dwellings each year which equates to 13,720 dwellings over the plan period 2020-40), then the overall requirement would decrease to 12,559 dwellings.
- 16.12 Allowing for completions and projected completions as well as an additional 10% flexibility allowance would reduce the residual requirement (as at April 2022) from 6,681 dwellings to about 5,500 dwellings. This is clearly a significant difference. However, further clarification is required from government as to how it sees this matter operating before any decision can be made in respect of this issue.
- 16.13 Having regard to the above, it is proposed that no change be made to the previously agreed housing requirement of 686 dwellings each year, but that the matter be kept under review as and when the government make any final decisions.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected.
Policy Considerations:	The proposals outlined in the consultation have the potential to have a fundamental impact upon the Council’s Local Plan, which is currently being reviewed.
Safeguarding:	No issues identified
Equalities/Diversity:	No issues identified

Customer Impact:	No issues identified
Economic and Social Impact:	No issues identified
Environment and Climate Change:	No issues identified
Consultation/Community Engagement:	No issues identified
Risks:	<p>The proposals set out in the consultation have potential resource implications for the Council.</p> <p>Depending upon the timing of any changes, there could be an impact upon the Local Plan review in terms of its scope, content and look. If transition arrangements are not put in place or are not robust, there is a risk that current work on the review could be jeopardised or lost. This matter will need to be kept under review.</p>
Officer Contact	<p>Ian Nelson Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p>

APPENDIX A

11 May 2022, Levelling Up and Regeneration Bill is introduced.

Spring 2023, Subject to Parliamentary approval, Levelling Up and Regeneration Bill receives Royal Assent.

November 2024, Expected earliest date when LPAs with a plan which is more than 5 years old must begin new plan-making process.

30 June 2025, Cut-off date for old-style plans to be submitted for examination. The consultation makes clear that these will be done under the existing legal framework , including the Duty To Cooperate

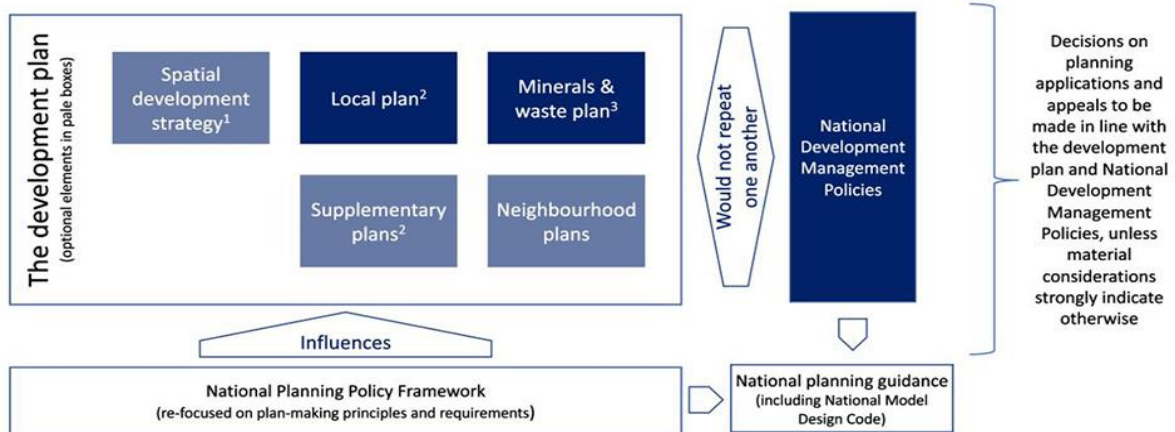
October 2026, Earliest date that the first new-style examinations commence.

31 December 2026, Latest date for any old-style local and minerals and waste plans to be adopted (or in the case of Strategic Development Strategies, published).

April 2027, First new-style plans are adopted.

31 December 2031, Latest date when LPAs must begin the new style plan-making process (if their previous plan was adopted on 31 December 2026).

The role of plans and national policy in the reformed system
 (elements with full statutory weight in decisions on applications shown in blue)



- 1 Mandatory where SDS powers have been conferred on Mayoral/combined authorities; voluntary elsewhere.
- 2 A **district-wide design code** must form part of the local plan, or else be contained in a supplementary plan. The local plan will also be informed by an **Infrastructure Delivery Strategy**, to be produced by the local planning authority, and by any **Neighbourhood Priorities Statements** produced by neighbourhood planning groups in the area.
- 3 Minerals and waste can be covered in separate documents, and can be combined with the local plan where an authority has powers over both.

APPENDIX C

Topic	Rationale for including
Carbon reduction in new developments	A national policy on carbon measurement and reduction could set a baseline whilst enabling authorities to set further measures in their own plans based on parameters set in national policies, perhaps through an optional technical standard to allow for consistency and sound decision making. Chapter 7 of this prospectus outlines our thinking on how national policy could go further on the environment and climate change.
Allotments	A policy issue that has relevance across many authorities who seek to protect this land use against development. This may not require an individual National Development Management Policy but, instead, might be incorporated into a wider policy on protection of green spaces.
Housing in town centres and built-up areas	National policy does not currently contain a policy explicitly encouraging or supporting the development of housing in built-up areas that are accessible and connected by sustainable transport modes. Local plans frequently contain this sort of policy, so creating a National Development Management Policy for this could help standardise expectations across the country and deliver more housing in suitable areas. This could be included in a general policy about housing on brownfield land, space above shops, or town centres (potentially building upon the paragraph 86(f) of the existing National Planning Policy Framework).

APPENDIX D

The 12 Missions to Level Up the UK

1. By 2030, pay, employment and productivity will have risen in every area of the UK, with each containing a globally competitive city, with the gap between the top performing and other areas closing.
2. By 2030, domestic public investment in Research & Development outside the Greater South East will increase by at least 40% and at least one third over the Spending Review period, with that additional government funding seeking to leverage at least twice as much private sector investment over the long term to stimulate innovation and productivity growth.
3. By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.
4. By 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.
5. By 2030, the number of primary school children achieving the expected standard in reading, writing and maths will have significantly increased. In England, this will mean 90% of children will achieve the expected standard, and the percentage of children meeting the expected standard in the worst performing areas will have increased by over a third.
6. By 2030, the number of people successfully completing high-quality skills training will have significantly increased in every area of the UK. In England, this will lead to 200,000 more people successfully completing high-quality skills training annually, driven by 80,000 more people completing courses in the lowest skilled areas.
7. By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by 5 years.
8. By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
9. By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
10. By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government's ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas.
11. By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.
12. By 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.