

National Planning Policy Framework consultation proposals – Implications for Plan Making

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Introduction

While the most recent round of consultation to the NPPF has been characterised by the introduction of the National Model Design Code, there are two potentially significant changes for plan making. These are the proposed changes to paragraph 11 a) and paragraph 22.

Paragraph 11 a – changes to the requirements for plan making.

The implication of the change to paragraph 11 a is that plan making bodies may now argue:

- i) They do not have to positively seek opportunities to meet the development needs of their area but instead must align meeting these against infrastructure and environmental constraints and:
- ii) There is no requirement for flexibility in plans to respond to rapid change i.e., no requirement for any type of buffer to accommodate poor delivery of some sites for example.

Therefore, while part b) of paragraph 11 still suggests that minimum level of housing should be set by the Standard Method the changes to part a) potentially make exceptions for not doing so under part b) ii) an easier case to make.

The proposed change may therefore allow councils to argue that the lack of available infrastructure is a justification for not meeting their housing requirement calculated under the standard method in paragraph 60 (renumbered 61).

In recent Local Plan Examinations, we have experienced councils arguing the lack of school places, or capacity issues on strategic road network (like the M1 or M25) as being justification for not meeting needs or diverting growth from otherwise sustainable locations.

As these proposals show, any remaining unmet need does not disappear (as if the White Paper proposals were implemented) as paragraphs 24, 27, and 65 (proposal 66). There would still be a requirement for cooperation and the production of Statements of Common Ground between councils on Strategic Planning matters.

Paragraph 22 – changes to the timescale of plan policies

In Paragraph 22 it is proposed to introduce a requirement for plans which identify larger scale development, such as new settlements, that such policies should be “set within a vision which has at least 30 year timescale”.

The question here is whether it is intended just to extend these policies within the local plan for at least 30 years or does the plan as a whole need to demonstrate how its housing need in total will be accommodated over the next 30 years (i.e. a proper long terms plan). This is a significant increase in the time horizon for many plans.

There is of course the need for clarification as to what constitutes “larger scale development”; it includes new settlements, but does it also include Urban extensions? If so, is the trigger whether, or not, the development is forecast to deliver within the plan period?

Once identified there is the question of what is meant by a vision of at least 30 years. Is this in effect just the extrapolation of the policies that relate to that element of the plan over the next 30 years or does it require such schemes to be set within a wider vision of how all development needs (including housing needs not met by the development) are to be addressed within the 30 year timescale.

Given both the difficulty and the lack of appetite for long term planning amongst many Local Planning Authorities the unintended consequences of this proposed change might actually be to dissuade councils from making such allocations or at least if they do then to make them as a collection of smaller allocations to be delivered within the timeframe of the plan so as to not trigger this requirement.

Therefore, while some may welcome the reintroduction of long-term Strategic Planning which has been absent in English planning policy, the actual consequences of the proposed change may paradoxically dissuade councils from taking this route at all.

These proposals do not address the approach taken by some councils with paragraph 11 constraints, that inaction for plan making remains the most politically sustainable approach.

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