



# PROPOSED REFORMS TO NPPF – OUR SUMMARY RESPONSE

MARCH 2023

In principle, we **support the Government's proposals insofar as they seek to speed up the preparation of up to date Local Plans**. We agree that the adoption of more Local Plans should help stimulate the delivery of the homes that the country and many households in need require.

At DLA, we **support strong placemaking and attractive places** and have abundant experience of designing and delivering well, designed, contextual and sustainable settlements and built development. However the suggested focus on 'beauty' is problematic in terms of application but, more important, detracts from the fundamental priority of delivering not only aesthetically pleasing homes but **highly sustainable** ones. New homes in the right places are critical to delivering on Government climate obligations.

The proposals and approach set out in the consultation, at best, present very mixed messages and contradictions, and are not enough to address the urgent social, economic and environmental priorities of the country.

We are particularly **disheartened** that the proposals set out in the consultation give little in the way of positive messaging regarding the need for this country – and for its local communities – to address the housing crisis; and make little reference to the positive opportunities that accompany well-planned schemes coming through the planning system whether this be economic, social or, indeed, environmental.

Rather, we are concerned that the proposals present an unnecessarily negative perspective watering down significantly the **importance of new homes, and infrastructure, being planned and delivered in accordance with need**. There is no discussion of growing affordability issues, or of housing waiting lists or the decline of owner occupation.

The proposals may or may not result in additional plan coverage. However, plans must be justified, proactive and positive – rather than restrictive and negative – if there is to be confidence in the system and if they are to deliver. We fear that the proposals will fundamentally undermine the incentive or enthusiasm for Local Planning Authorities to adopt a positive approach to planning for new homes and infrastructure delivery, and to be active and engaged in realising the best positive outcomes of the planning system, **for ALL sections of the community**. Measures should be included in the proposed reform to ensure effective representation of all sections of the community.

We believe that the consultation should seek to present a very positive approach to planning and identify opportunities to incentivise development promoted and taken forward in the right manner – through the Local Plan – by responsible developers.

If further emphasis is to be placed on development plans – **then there has to be confidence that such plans are robust and transparent and are capable of providing the homes and infrastructure that the country requires** and meet the need of all sections of the community. They need to be inclusive and have full regard to those most in housing need – often those least vocal in the plan making process.

**We welcome the Government's continued commitment to deliver 300,000 new homes a year** by the mid 2020s and grow the delivery of affordable housing provision. The requirement to plan for and deliver 300,000 new homes a year (which is in excess of the Standard Method) is the minimum requirement of the planning system.

However the contradiction with key elements of the proposals seems significant. One of the key elements of the consultation proposals is the explicit advice that Authorities **can propose and adopt a housing**

**requirement that is below their housing need figure.**

Whilst certain conditions are mooted, we believe that this provides Authorities with far more comfort and confidence, encouragement even, where they do not wish to make full provision for the housing needs of their areas. This much appears to be evidenced by the tens of Local Plans that have already been put on hold pending the adoption of the NPPF amendments. There is a considerable fear that a fundamental change in the priority to be afforded to meeting housing needs is either intended, or will be the practical consequence.

For these reasons we support the retention of the Standard Method insofar as it goes but are mindful that it is to be reviewed and that it **needs to address the full minimum** 300,000 new homes requirement per annum. In only a very small number of local authorities outside of London is the “delivery cap” (40% above past rates or need) applied. Therefore it is realistic to have Local Plan requirements that are consistent with need and with local affordability considerations. Headroom exists.

Whilst we recognise that the **urban uplift** is intended to increase the number of new homes provided and planned for, it is flawed and cannot be supported in the present form. Limited to the administrative boundaries of our largest towns and cities it is undeliverable yet contradictory to the wider aspiration in the proposals to promote “gentle” densities. It will reduce affordable housing delivery.

The removal of the **Duty to Co-operate** with adjoining authorities (and the absence of an effective replacement mechanism), fundamentally undermines the urban uplift element of the Standard Methodology as does the proposed tightening of protections for Green Belt sites that in all other respects represent the most sustainable options for investing in our towns and cities.

The urban uplift element in the Standard Methodology should not be progressed in the absence of a clear positive approach requiring its delivery in those urban areas **and** in adjoining areas **including** through the release of Green Belt land where this delivers sustainable high quality communities and developments. To make progress towards our wider social and economic objectives it is essential to plan positively for the physical growth of our most important cities irrespective of administrative boundaries. It is what good planning and good plan making does.

We recognise the sensitivity of **Green Belts** and of the merits of their permanence but cannot support a proposal such that they may be regarded as sacrosanct in all cases irrespective of the needs and characteristics of the local area, especially if our urban towns and cities are to be a focus for meeting need.

More generally a mechanism with teeth, that requires need to be resolved and provided for locally through the system, rather than exporting need or avoiding meeting it at all, must be part of the system. The consequence of not meeting local need must be explicitly addressed in the plan making process.

**Delivering sustainable outcomes and alternatives should be reinstated as a fundamental objective of the plan making system.** Within the proposals, Authorities appear to be offered significant scope to provide the “evidence” for lower housing requirements rather than necessarily deliver the most sustainable outcomes of the plan making process. The need for a balanced approach in reconciling housing need and local constraints must be an explicit expectation and a matter for testing. The scope for reducing housing requirements must relate to “genuine” constraints which are either exceptional or at least limited.

DLA urges that the proposals are recast such that there are **real incentives** for local planning authorities that look to meet local housing need in full, or adopt positive proposals to address the social and economic circumstances of the area alongside environmental issues.

This might include directing Levelling Up funding according to the ambition of Local Plan making. If there are to be **relaxations or protections or incentives** for Authorities to prepare up to date plans they should apply **only** where Authorities and Plans are planning for and delivering homes that, as a minimum meet evidenced needs, not which draw back from making full provision. It would be wholly inappropriate to extend protections or incentives that reward authorities that have failed to plan to meet need.

On the matter of incentives, **for there to be confidence in the system there must still be checks and balances and consequences if there are failures in plan making or delivery locally.** We are therefore unable to support the removal or reduction in the 5-year supply obligation,

the removal of the buffer in such calculations and the relaxations proposed in the housing delivery test. The increase in protection to be afforded to Neighbourhood Plans could only be considered once more rigorous examination processes are put in place and only in respect of newly prepared plans.

One incentive that might be considered to reward authorities for the preparation of Local Plans is the ability to have regard to “over delivery” **but only** where they are delivering on OAN or above— **not underdelivering on housing need by a lesser amount than planned for.**

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The NPPF changes have been presented as a limited stepping-stone in advance of Levelling Up Bill changes, the wider review of NPPF next year, the NPPG amendments and the NDM policies. Also to come is further thought on how alignment works on the edge of the 20 largest towns and cities and on how the Infrastructure Levy will work.

Nonetheless we believe that the immediate proposals are very significant, precisely because of the absence of the changes and details that are yet to be presented or consulted upon.

We have an overriding concern is that many of the incentives being offered through the proposed reform – which may take effect as early as this Spring – will be well in advance of significant progress in plan making. The prospect of providing freedoms or incentives in advance of the desired outcomes of adopted Local Plans (ie. Local Plans fully meeting needs) will achieve the opposite result; we are already seeing many plans in train now being abandoned.

We believe that everyone has a right to a good home in a great place which is safe, healthy and uplifting, and that the planning system is in existence to help deliver this for our communities. In considering reforms to the planning system, we urge the government to refocus its efforts on ensuring that these outcomes materialise.