

Reforms to national planning policy

Briefing Note No. 23-02

Service: Spatial Planning
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Date Prepared: February 2023
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1. On 22 December 2022, Government published its consultation '[Levelling-up and Regeneration Bill: reforms to national planning policy](#)'. It seeks views:
 - (i) On [changes](#) to the current National Planning Policy Framework (NPPF) to be in place spring 2023, subject to the outcome of the consultation;
 - (ii) To inform future changes to the NPPF, subject to the implementation of proposals on wider changes to the planning system, including the Levelling Up and Regeneration Bill.
2. The council's response is being prepared and will be submitted by the deadline on 2 March 2023. This briefing note sets out some of the key changes and implications for Wiltshire.

Five-year housing land supply and housing delivery test

3. [Briefing Note No. 22-09](#)¹ provides information on the **five-year housing land supply** (5YHLS) and **housing delivery test** (HDT). These are two metrics, the former looking to forward supply and the latter a measure of new homes created, which under current national policy can both trigger the presumption in favour of **sustainable development**. What this means for determining planning applications is also explained in the same note but it can mean that applications which would normally be recommended for refusal can be recommended for approval where a 5YHLS can't be demonstrated.
4. Changes are proposed that remove the requirement for local planning authorities with up-to-date plans (less than five years old) to continually demonstrate a 5YHLS (paragraph 75). This means that Wiltshire's new Local Plan, when adopted, will be protected for five years.
5. As part of the Local Plan-making process there is still the expectation that local plans identify robust and deliverable five-year housing land supply from date of adoption. In addition, changes remove contingency buffers built into five-year housing land supply calculations (paragraph 75). For Wiltshire this would be 5% or around 500 homes; equivalent to approximately 0.25 years housing land supply. Compared with the current 5YHLS, this will help Wiltshire to come closer to demonstrating a 5YHLS.

¹ See pages 16 to 21

6. Changes to the HDT will only trigger the presumption in favour of sustainable development where it *“indicates that the delivery of housing was below 75% of the housing requirement over the previous three years”* (footnote 9, paragraph 11(d)). This is reiterated in paragraph 77. Wiltshire has consistently delivered above this level. To illustrate this, over the past 5 years² the HDT has required the delivery of approximately 8,800 homes for Wiltshire in total, whereas approximately 10,700 homes have been delivered over the same period. There is no evidence to suggest that delivery will drop below the 75% threshold provided the supply of permissions and allocations continue; **therefore this change is unlikely to have any impact for Wiltshire.**
7. For authorities with emerging Local Plans that are at an advanced stage of preparation, there is an additional proposal to allow these authorities to demonstrate a four-year housing land supply rather than the normal five years for a period of two years (paragraph 226). This applies to plans that have been subject to at least a Regulation 18 consultation *“which included both a policies map and proposed allocations towards meeting housing need”*. Depending on the wording in the final version, **this could be beneficial for Wiltshire.**

Neighbourhood plans

8. The presumption in favour of sustainable development linked to housing land supply is unchanged but protection for neighbourhood plans is extended to up to 5 years old, instead of 2 (paragraph 14). For plans less than 5 years old to benefit, they must also *“contain policies and allocations to meet its identified housing requirement”*. This is likely to be of benefit to Wiltshire.
9. Furthermore, paragraph 14 tests requiring local authorities to demonstrate minimum housing land supply and minimum amount in the HDT are to be removed.

Local housing need and the standard method

10. No change is proposed to the standard method of calculating housing need prior to publication of new household projections in 2024 (based on 2021 Census). However, proposed changes to the NPPF clarify that:
 - The standard method for determining housing needs is a starting point *“for establishing a housing requirement for the area”* (paragraph 61); and
 - *“The overall aim should be to meet as much housing as possible with an appropriate mix of housing types to meet the needs of communities.”* (paragraph 60)
11. Provisions in NPPF Paragraph 11(b)(i) for plans to, as a minimum, provide for needs for housing and other uses *“unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”* is to be expanded to clarify that adverse impacts may include building at densities significantly out of character with the area; or there is clear evidence of *“past over-delivery”* in a previous plan period. While the proposed changes provide more flexibility to

² 2017/18 to 2021/22

plan for fewer homes in constrained local authority areas, **the extent to which this affects Wiltshire will be clarified once the draft Plan is finalised.**

12. In addition, proposed changes give greater protection for green belt in plan-making through stating that there is no obligation to review these where it would be the only means of meeting housing need (paragraph 142).

Local Plans in preparation

13. Alongside the changes to the NPPF, the consultation sets out transitional arrangements for plans that are already being prepared. This is to recognise that the reformed planning system is likely to be introduced late 2024. There is nothing in the proposed consultation that affects the council's strategy for preparing its plans in line with the approved Local Development Scheme.
14. Changes are proposed to the tests of soundness to allow a more proportionate approach to plan examination. Specifically, removal of the 'Justified' test and amendments to the 'Positively prepared' test so that plans only need to meet assessed needs "*as far as possible*" and to remove the requirement to accommodate "*unmet need from neighbouring authorities*" (paragraph 35). This change could be positive for Wiltshire's plans.
15. These tests will be brought in for plans that have not reached 'pre-submission consultation stage' (Regulation 19) within three months from when the revised NPPF is published (paragraph 225). Changes to these tests could therefore apply to the Local Plan Review, set to be published September 2023, depending on when in spring 2023 the revised NPPF is published.