

Appendix 3 – NPPF Consultation

The proposed changes to be introduced via the LURB can be summarised as follows:

Around half of the consultation questions focus on housing issues with key proposals around five-year land supply; housing requirements in local plans; and changes to the Housing Delivery Test (HDT).

Aspects of this part of the consultation have a bearing on Manchester with some potential wider issues for the Places for Everyone process.

Five year supply

- **Local Authorities will no longer need to demonstrate a five year housing land supply if they have an up to date Local Plan** (i.e. where the housing requirement set out in strategic policy is less than 5 years old), introduced to incentivise speed of plan making.
- **Once adopted the housing requirement in Places for Everyone will count as the up-to-date strategic housing policy for Manchester and negate the need to demonstrate a five-year land supply for a period of up to five years post adoption. Notwithstanding the consultation point, the city council can currently demonstrate a five-year housing land supply.**
- **All buffers applied to housing requirements to be removed** from wherever these were applied (i.e. Local Plan trajectory; five-year housing land supply; and as a sanction following under delivery against the Housing Delivery Test.
- **This provides further flexibility in the planning and delivery of housing irrespective as to whether there is an up to date adopted plan or not.**
- **Oversupply – can take this into account in five-year housing land supply calculations**, i.e. in the instances where a five-year land supply is required (i.e. once a Local Plan is out of date) previous over delivery/supply can be taken into account from the earlier years of the Local Plan (i.e. from the start year of the relevant Local Plan).
- **This will require clarification in the current situation of the adopted Core Strategy (start date 2012). The NPPF amends refer to “taking into account any previous under or over-supply as set out in planning guidance” so it would appear that there will be more clarification on this to come in future consultations. It is also worth noting that this is separate to counting previous over supply when setting out supply in Local Plan policy (i.e. in an emerging Local Plan) - there is a separate provision for counting previous ‘over delivery’ against new provision in a Local Plan policy (see later).**
- If the proposed amends to the NPPF are implemented, Local Authorities whose plans have reached Reg 18 or 19 consultation stage, and where the consultation included a Proposals Map and proposed housing allocations, would only need to **demonstrate a four year supply rather than five for the purposes of**

planning app decisions. This proposal would last for two years from the point at which the NPPF changes take effect.

- The PfE is at a very advanced stage and the current intention is for the examination process to continue, with the extant planning legislation and regulations applying.
- So if our next LP consultation included a proposals map & a housing allocation this would apply to us, but not relevant as we can demonstrate a 5YS in any case.

Housing requirement and Local Plans

- The standard method formula remains the same at present, i.e. 2014-based household projections, but the Government says it will consider the implications of the 2021 census when this is published in 2024.
- The Standard method remains as the starting point for assessing Local Plan housing requirement, with the option for Local Authorities to use an alternative approach where justified by exceptional circumstances as at present. However **the NPPF will be amended to make it clearer that the standard method is not mandatory** (which has always been the case), with the government proposing to give more information in planning guidance at a future date about the type of local characteristics that could justify using a different way of coming up with a figure. It gives two examples: islands with a high percentage of elderly residents, and towns with a high percentage of students. Views are sought on the types of demographic and geographic factors that could count.
- This part is mostly of academic interest given the advanced stage that Manchester and the eight other authorities engaged in the PfE joint local plan have reached.
- The consultation also outlines how Local Authorities that demonstrate they cannot meet their housing needs because of various constraints (see below) can have a lower housing requirement than their need.
- **If an LA cannot justify using a different housing need figure than the standard method, but considers that its need cannot be accommodated then it can propose a lower requirement in its LP for one of three reasons:**
 1. **If it would need to build at densities “significantly out of character”** with the existing area in order to achieve the requirement, taking into account design codes. The consultation asks for views on what evidence LAs should be expected to provide to make this case.
 2. **If greenbelt boundaries would have to be altered** to achieve the required housing (although LAs do have the option to do this).
 3. **If the LA ‘over delivered’ during the preceding plan period then this can be subtracted from what needs to be provided in the new plan.** Over delivery here has a different meaning to over supply where the Local

Authority can take this into account in the five year housing land supply statement (as above), in this situation over-delivery means that more units have been given permission than the housing requirement in the existing LP – the excess permissions can reduce the future provision.

- The second condition above does not have any direct relevance to Manchester, given that housing requirement (incorporating a 35% uplift) set out in the draft PfE does not require any Green Belt allocations within the city. The first condition is one that is very much at the forefront of the emerging Local Plan in terms of future development patterns – it is critical that specific areas of the city do see an increase in the density of development both for efficient use of land but also to derive benefits to place making and sustainability within the urban area. The final condition would only apply to a future local plan process because the housing requirement has been fixed by the draft PfE which is already at the examination stage.
- The 35% uplift is to be accommodated within 20 specific urban areas (Manchester is one of the 20) is confirmed to apply to the specific urban area identified. There may be opportunities for neighbouring districts to accommodate some of the uplift where a joint Local Plan sets out an approach that has been agreed by the relevant authorities. The consultation asks for views on how neighbouring Local Authorities should consider this where they are part of the wider economic / transport / housing market for the core Local Authority identified with the 35% uplift.
- The 35% uplift had already been factored into Manchester's housing requirement within the draft PfE.
- The test of soundness pertaining to 'Justified' is proposed to be removed from the examination process. Local Plan targets will have to meet need as far as possible, take into account other policies in the NPPF and be effective and deliverable. This change is to avoid Local Authorities having to produce "very large amounts of evidence to show that the approach taken to meeting housing need is a reasonable one" but doesn't say what type of evidence is still needed though.
- This would potentially simplify the examination process and as noted could reduce the evidential burden that accompanies the justification for housing requirements.
- "Retirement housing, housing-with-care and care homes" are added to the list of different groups whose needs require assessing.
- A Housing Needs Assessment has just commenced for Manchester and these aspects are already factored in.

Housing Delivery Test

- The 20% buffer for LAs delivering <85% of their housing requirement is removed as all buffers have gone.

- Manchester currently delivers 169% of its HDT target and therefore clearly passes the test with no sanctions (buffers) applied.
- The HDT will now also look at how many units are in the planning pipeline. If a Local Authority has given permission for enough deliverable homes to meet its annual requirement (or Local Housing Need) plus a 15% contingency, then if it only delivers <75% of its requirement in the HDT it wouldn't be subject to the 'presumption in favour of sustainable development' sanction. The Local Authority would still have to produce an Action Plan.
- Manchester has never been in this position to date, but presumably all LAs will have to provide the data on deliverable permissions (see below).
- The Government makes the point that this will mean an additional data return from Local Authorities to collect data on permitted units, as it is not something they ask for at present. The consultation asks for views on "a robust method for counting deliverable homes permissioned for these purposes".
- It is considered useful if they stick to the current definitions and count permitted units in the same way as they ask Local Authorities to count completions in the Housing Flows Reconciliation (HFR) data return (i.e. net in terms of conversion / remodelling / change of use, gross in terms of demolition of other units on the site, applying the various ratios to different types of communal bedspaces). The caveat would be that Local Authorities should be able to just provide a total figure for permitted units for a year rather than categorise in the myriad ways required by the current HFR.

Other housing issues the govt will be looking at in a future review of the NPPF / through other routes

A number of other specific housing related matters are covered in the consultation including:

- Social rent – the govt intends to change the NPPF in the future to give greater importance to social rent. It is looking at widening the definition of affordable housing for rent for example to include community-led developments;
- Encouraging development on small sites;
- Developer accountability – looking at making applicants' past "irresponsible planning behaviour" either a material consideration when the LA is determining planning applications from them in the future or allowing LAs to decline to determine future applications from these applicants. The govt is asking for views on what types of behaviour would be in scope for this;
- Monitoring of build out progress on sites; and
- Consideration of an 'alignment policy' which will look at replacing the Duty to Cooperate mechanism.

These aspects will be consulted on formally in the future. This consultation asks for contributions to inform that consultation on the matters above.

A simplification of “Duty to Co-operate” with an “alignment policy” is welcomed. Collaboration with neighbouring authorities and prescribed bodies is considered good planning and results in effective local plans. However, the duty to co-operate test at Submission stage, which considers whether a local authority has passed or failed is one of the few tests that can result in the plan needing to be started anew, which is extremely costly. An easing of this high bar is welcomed.

The consultation then goes on to include additional wording in the proposed changes to NPPF to ensure that food security considerations are factored into planning decisions that affect farmland. It also looks at how to enable new methods for demonstrating local support for onshore wind development.

Whilst food security is clearly an important issue, the matter is of relatively low significance in direct terms for Manchester. Similarly, onshore wind is a matter that has a limited relevance to the city with respect to any scheme within the city.

Alongside these specific changes, the consultation calls for views on a wider range of proposals, particularly focused on making sure the planning system capitalises on opportunities to support the natural environment, respond to climate change and deliver on levelling up of economic opportunity, and signals areas that are expected to be considered in the context of a wider review of the Framework that will follow Royal Assent of the Bill. The government will consult on the detail of these wider changes next year, reflecting responses to this consultation.

Chapter 7 of the consultation proposals focusses on climate change and biodiversity (questions 37 to 40). Biodiversity Net Gain (BNG) is highlighted noting the statutory status of proposals enshrined in the Environment Act (2021) including the requirement to demonstrate at least 10% biodiversity net gain on all development sites, other than a small number of exemptions. The Act also introduced new Local Nature Recovery Strategies, which will map important habitats and areas for nature recovery and enhancement. The consultation asks on specific question, “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?”

In Manchester work is well advanced on understanding the implications for delivering BNG from development (evidence base for the Local Plan noted in paragraph 3.11). Moreover, Greater Manchester authorities were one of the initial pilots to develop a Local Nature Recovery Strategy. The work already undertaken will prove invaluable for the preparation of the emerging Local Plan by providing additional evidence to supplement the specific work on BNG. In terms of small-scale interventions, further work is being commissioned to consider how BNG can be incorporated into schemes of varying scales to determine what appropriate policy and delivery mechanisms can be applied.

Chapter 7 also asks about a specific aspect connected to climate change, namely the use of carbon assessments. The consultation states,

“There have been calls to embed a broad form of carbon assessment in planning policy, for example that could apply at local plan-level or could cover emissions that result from locational, design, travel and development choices. However, evidence

on their operation and impact, and how local authorities take action on the results, is not clear cut. We are interested in 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. This will inform a further consultation on national planning policy in due course.”

The climate change aspect of the consultation also picks up about flood risk management. The consultation states,

“...the government has commenced a review of the case for implementing Schedule 3 to the Flood and Water Management Act 2010 concerning Sustainable Drainage Systems (SuDS). The review will ensure that the commencement of Schedule 3 in England will support the objectives of alleviating pressures on the sewer network and reducing flood risk, as well as improving water quality, amenity, biodiversity, and rainwater harvesting. If implemented, this Schedule would introduce standards for new sustainable drainage systems as well as making connection to public sewers conditional of approval that the drainage system meets the national standards. government will update on the outcome of this review shortly.”

With respect to carbon assessments, the city already employs a science-based targets approach to carbon budgeting as part of the climate change action plan. Moreover, the Local Plan is already subject to sustainability appraisal that incorporates consideration of climate change impacts within the appraisal framework. Any potential further assessment would need to be complementary to these existing processes.

The final aspect of the consultation sets out the envisaged role for National Development Management Policies (NDMPs). The consultation states that

“These are intended to save plan-makers from having to repeat nationally important policies in their own plans, so that plans can be quicker to produce and focus on locally relevant policies. National Development Management Policies should also provide more consistency for small and medium housebuilders, who otherwise must navigate a complex patchwork of similar but different requirements.”

The city is already active in applying nature-based solutions within planning decisions as evidenced in Appendix A of this report. Moreover, the city has invested in significant new schemes such as the West Gorton Community Park (based on sponge city principles) and the creation of Mayfield Park. Work via the Our Rivers, Our City strategy is being utilised to inform the emerging Local Plan and assist in on the ground matters within the three main river valleys of the city.

The intention is that National Development Management Policies are set out separately from the National Planning Policy Framework, which would be re-focused on principles for plan-making. This consultation calls for views on how to implement NDMPs and the government will consult on the detail next year ahead of finalising the position.

This matter needs careful consideration as the implications are far reaching with respect to development management policies in local plans. A fuller response to this matter is being considered at present and will incorporate any further points raised by the respective scrutiny committees..