

NPPF Consultation October 2018 – final DCN response

The DCN welcomes the opportunity to respond to the consultation on proposed further changes to the NPPF.

Local Housing Needs Assessment

Q1: Do you agree that planning practice guidance should be amended to specify that 2014-based projections will provide the demographic baseline for the standard method for a time limited period?

For the reasons stated in the consultation document, the 2016-based household projections have produced local housing need numbers which are significantly lower than previous (2014-based) projections. In the short-term, there is some logic to reverting to 2014-based projections.

In the longer term, the proposal to review the national needs assessment formula is noted. It is obviously vital that the changes are planned carefully, consulted on for at least eight weeks, and the consultation comments reflected on thoroughly, with relevant changes made, before the final revised formula is issued. In order to ensure the highest degree of certainty for all involved in the planning and development process, the early publication of a proposed timetable would be extremely welcome. It is likely that some further transitional arrangements will be necessary to ensure that particular authorities are not suddenly faced with a significant rise or fall in housing need numbers, which might otherwise result in delays to the Local Plan production timetable to ensure that the different need numbers are properly considered and reflected.

The DCN would be very happy to work with MHCLG to help inform the development of a more robust national standard methodology – please contact Adam Nicholls, DCN Planning Policy Officer, on adam.nicholls@great-yarmouth.gov.uk or 01493 846688.

Q2: Do you agree with the proposed approach to not allowing 2016-based household projections to be used as a reason to justify lower housing need?

Yes, an unambiguous statement of this kind would be helpful in the light of the clear Government view on the matter.

Q3: Do you agree with the proposed approach to applying the cap to spatial development strategies?

It is agreed that the proposal to apply the cap to the total plan requirement figure, as opposed to capping based on the requirement figure of the individual constituent local authorities, is sensible and would allow for more straightforward calculations.

Housing land supply

Q4: Do you agree with the proposed clarifications to footnote 37 and the glossary definition of local housing need?

It is agreed that these proposed clarifications set out in paragraph 34 of the consultation document i) to make clear that local housing need for the purposes of assessing the five-year land supply should be as set out in the PPG, and ii) the proposed amendment to the definition of “Local Housing Need” to make clear that it is only through the preparation of a Local Plan that a justified alternative approach to housing need can be proposed (not through planning applications or appeals), are sensible.

The definition of “deliverable” housing sites

Q5: Do you agree with the proposed clarification to the glossary definition of deliverable?

The DCN is opposed to the revised definition of “deliverable” housing sites introduced in the July 2018 update to the NPPF, as expressed in consultation comments on that draft document. The exclusion of “major” sites which are either allocated, or with outline planning permission, from being able to be counted within the five-year land supply unless there is clear evidence that delivery could start within five years, has seen several recent appeal decisions (post-2018 NPPF) result in significantly reduced housing land supply figures for particular local authorities.

It remains unfair to “penalise” local authorities for the lower-than-ideal levels of housing delivery when they are doing all they can to progress Local Plans as quickly as possible, and there has been a major increase in the number of houses granted planning permission in recent years across England. DCN member councils are actively working to ensure that sites are delivered post consent and allocation, but many such sites (especially unallocated five-year supply sites), particularly outside housing “hot-spots” in the south-east of England, are not made by developers, or do not have a development partner. It is only post-consent/allocation, when the site has been marketed for sale, that a development partner will then come on board – and of this process can take some months or years to complete despite DCN member councils having virtually no role in, or control over post allocation.

Whilst it is right that each site’s delivery potential should be assessed properly, and overly-optimistic delivery timetables avoided, reversion to the previous definition (which allowed outline permissions and allocations to be counted unless there was clear evidence that delivery would **not** commence within five years) is strongly sought as a much more reasonable, fair and justified position.

The proposal in paragraph 38 to update the PPG with further information on how sites with different degrees of planning certainty may be counted when calculating housing land availability is therefore welcome, but without the reversion to the previous NPPF definition, this continues to unfairly and unreasonably impact on DCN member councils.

If MHCLG is not minded to make the wider change sought by the DCN, then the clarifications proposed in paragraph 37 of the consultation document seem broadly sensible.

Development requiring Habitats Regulations Assessment

Q6: Do you agree with the proposed amendment to paragraph 177 of the National Planning Policy Framework?

The impact of the *People over Wind* case, and the two more recent European Court judgements on the same issue (also arising from Irish cases), needs some careful further reflection from Government, and so the potential for further changes to regulations and guidance (para 43 of the consultation document) is noted. In particular, it is vitally important to DCN member councils that Natural England provides robust general advice on the matter, with consistency of this advice across the whole of England. Each site and development proposal will be specific, of course, but information from some DCN members is that Natural England does not yet appear to have a settled general position on the issue, which is not helpful.

The recent *Holohan* case judgement from the European Court (7th November) appears to make the process of preparing Appropriate Assessments significantly more involved and complicated. In the light of this, the DCN's view is that MHCLG should leave the current wording of NPPF paragraph 177 unchanged at present, pending the outcome of more detailed consideration of the whole issue. Given how significant the HRA/AA issue is for many DCN members (Great Yarmouth Borough has six Natura 2000 sites within or adjacent to its area, for example), it is felt a more precautionary approach is justified, and the DCN offers to work with MHCLG on this issue.