



Legal implications of the NPPF changes in relation to Development Plan Preparation

Simon Stanion

Consultant Solicitor

Shakespeare Martineau LLP

Planning and Compulsory Purchase Act 2004

Sections 17 and 19

Town and Country Planning (Local Planning) (England) Regulations 2012

Regulation 5

Issues and Options

Mansfield District Council

Derbyshire Dales District Council

Peak District National Park Authority

North Northamptonshire Council

Harborough District Council

Regulation 18

Hinckley & Bosworth Borough Council

South Derbyshire District Council

South Kesteven District Council

Blaby District Council

Melton Borough Council

Regulation 19

Rutland County Council

Oadby & Wigston Borough Council

Nottingham City Council & Broxtowe Borough Council (Greater

Nottingham Strategic Plan)

Submitted for Examination

Charnwood Borough Council

Leicester City Council

Erewash Borough Council

Amber Valley Borough Council

NPPF (12 December 2024)

234. For the purpose of preparing local plans, the policies in this version of the Framework will apply from

12 March 2025 **other than where one or more of the following apply:**

- a. The plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need.

237. Those local plans that reach Regulation 19 (pre-submission stage) on or before 12 March 2025 and whose draft housing requirement meets less than 80% of local housing need **should proceed to examination within a maximum of 18 months from 12 December 2024, or 24 months of that date if the plan has to return to the Regulation 18 stage.**

236. Where a local plan has been **submitted for examination prior to 12 March 2025** with a housing requirement meeting less than 80% of local housing need calculated under the new standard method the local planning authority will be **expected to begin work on a new plan**, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025), **in order to address the shortfall in housing need.**

145. Once established, Green Belt boundaries should only be altered where **exceptional circumstances** are evidenced and justified through the preparation or updating of plans...

146. **Exceptional circumstances in this context include**, but are not limited to, instances **where an authority cannot meet its identified need for homes, commercial or other development through other means**. If that is the case, authorities should review Green Belt boundaries in accordance with the policies in this Framework and propose alterations to meet these needs in full, unless the review provides clear evidence that doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan.

147. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully **all other reasonable options for meeting its identified need for development**. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) Optimises the density of development in line with the policies in chapter 11 of this framework including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

156. Where **major development involving the provision of housing** is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to planning application, the following contributions (**'Golden Rule'**) should be made:

- a. necessary improvements to local or national infrastructure; and
- b. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

157. Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default.

67. As part of the ‘Golden Rules’ for Green Belt development set out in paragraphs 156-157 of this Framework, a specific affordable housing requirement (or requirements) should be set for major development involving the provision of housing, either on land which is proposed to be released from the Green Belt or which may be permitted on land within the Green Belt. This requirement should:
- a) be set at a **higher level than that** which would otherwise apply to land which is **not within or proposed to be released** from the Green Belt; and
 - b) require **at least 50% of the housing to be affordable**, unless this would make the development of these sites **unviable** (when tested in accordance with national planning practice guidance on viability).

68. The affordable housing requirement for land within or released from the Green Belt may be set as a **single or be set at differential rates**, subject to the criteria above.

Local Plans Delivery Funding

- Must be at **Regulation 19 stage** before 12 March 2025;
- Housing requirement meets **less than 80% of local housing need** under the new standard method:
- **Plans needs to be revised** to reflect the revised NPPF
- Must anticipate **submitting plan by June or December 2026** and submit **updated LDS** to MHCLG by 12 March 2025 and provide **regular updates**

Green Belt Review Funding 2024/25

- Open to LPAs that have an area of Green Belt within their boundary and intend to undertake a review in light of the updated NPPF.
- Up to a maximum of £70,000 per local authority.
- Can be **at any stage** in the local plan preparation, adoption or have an up to date or out of date local plan.
- The work that results from this support should be prepared as part of the **evidence base for the local plan** and will be informed by an updated PPG relating to Green Belt reviews that will be published in January 2025.
- The funding will provide a direct financial contribution to eligible local authorities **to enable them to complete their Green Belt review.**



Rutland County Council

East Midlands Councils CPD Programme for Planners

Rutland Local Plan progression and challenges - 16th January 2025

— What I will cover today

- Background to the Rutland Local Plan
- Implications for Rutland from the published Government changes to national planning policy and other parts of the planning systems



— A brief history to the Rutland Local Plan

- Current adopted planning policies set out in Core Strategy DPD (2011), Site Allocations and Policies DPD (2014) and Minerals Core Strategy DPD (2010)
- Work commenced on Local Plan review in 2015, which led to the plan being submitted in 2020
- Subsequently withdrawn in 2021
- Work started on a new plan immediately, Regulation 19 consultation completed on 2nd December 2024, with 660 responses received...
- ...and then the new NPPF was published



— **NPPF: it is difficult to think beyond housing numbers**

- Government's Local Housing Need
- In Rutland has changed from 123 dpa to now 266 dpa...116% increase
- There has never been this annual rate of housebuilding in the County
- **Housing Supply**
- Coupled with a 20% buffer due to the Housing Delivery Test outcome this year, our housing supply has gone from around 7.7 years to around 2.9 years
- Consequently, whereas previously we needed to demonstrate a supply of specific deliverable sites sufficient to provide five years' worth of housing land totalling at least 615 dwellings, that figure is now increased to 1,596 dwellings



— Response to the lack of a 5-year housing supply

- Interim Position Statement
- Used previously to guide developers and decision makers
- Updated to reflect new NPPF and local changes
- Can be found at: <https://www.rutland.gov.uk/planning-building-control/local-plan/housing-land-supply>
- Benefits
- Can help avoid worst excesses of unwarranted development
- Can strengthen the case for imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period



— Options for the Rutland Local Plan since the NPPF was published

- Option 1:
- Submit current emerging Local Plan by 12th March 2025 and commit to begin work on a new plan, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025)
- Option 2:
- Go back and undertake further steps of additional Call for Sites, Reg 18 consultation, Reg 19 consultation and then submit by December 2026, making appropriate provision for meeting new Local Housing Need of 266 dwellings per annum



— Option 1

- **Benefits:**
- Maintains progress on the Local Plan
- Gives the shortest possible period when the Council is not able to demonstrate a five-year housing supply (January 2025 to est. March 2026) and potentially gives further protection on five-year housing supply when adopted
- Gives time to work up masterplans for new communities at St George's Barracks and Woolfox as Future Development Opportunities in new plan
- **Costs/Uncertainties:**
- Uncertain how proposed partial review will fit into Government expectation for a new plan (no guidance available)
- 20% buffer (6-year supply) would be required by July 2026, hopefully therefore after the plan is adopted



— Option 2

- **Benefits:**
- Government funding of up to potentially £250k to support additional work required
- No immediate need for a further plan to deliver required housing and provides a period of greater certainty when the plan is finally adopted
- **Costs/Uncertainties:**
- Challenge of meeting deadline for submission given the steps to be followed and the need to confirm masterplans for Future Development Opportunities
- Greater period of time until the Council is able to demonstrate a five-year housing supply until the plan is adopted (est. December 2027) + less certainty to guide development in short term
- Examined against new NPPF and so may need further work and cost on evidence base



— Way forward for us

- We are proposing to continue with submission of the Local Plan in line with the decision made at full Council in September (i.e. follow Option 1) as this provides greater certainty for a planned led approach for addressing the Government's assessment of housing need in Rutland, gets the plan in place as soon as possible and prevents having an extensive amount of time when the Council is unable to demonstrate a five-year supply
- Aiming now for submission prior to 12th March
- In line with NPPF para 236 as our housing requirement in the plan to be adopted meets less than 80% of local housing need, we are expected to begin work on a new plan under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025), in order to address the shortfall in housing need



— The brave new world of development plans

- Based on what we know the new system will be in place **by end of 2025** and will be based on LURA provisions
- Regarding our LDS which is required to be updated by 12th March – PAS have advised us:
- **Give 4 months’ notice** before starting plan making:
- A **scoping and early participation stage** – including requirements to “notify” the public and stakeholders including statutory bodies and “invite” participation; prepare or update the local plan or minerals and waste timetable; and give a minimum of four months’ notice before it is intended to formally commence the 30-month plan preparation timeframe through to adoption



— The new plan

- Months 1 – 23
 - 1. Plan visioning and strategy development – including a requirement to undertake visioning about the future of the area and the first formal public consultation
 - 2. Evidence gathering and drafting the plan
 - 3. Engagement, proposing changes and submission of the plan – including a requirement for the second public consultation
- Months 24 - 30
 - 4. Examination of the plan
 - 5. Adoption of the plan



Rutland County Council

Any questions?



East Midlands Councils CPD

16th January 2025

Local Plan Examination in Public



Midlands: Sherwood Business Park
Nottingham

Oxford: The Beehive
Oxford

London: 5 St John's Lane
London

www.panddg.co.uk

Introduction to P&DG

- Practice of 9 Planners a 3 Urban Designers
- Mix of private and public sector clients
- Wides range of sectors – residential, commercial, education, heritage



Understanding Developer Objectives

Alignment with Business Goals:

- Secure allocations, policies, or changes supporting business objectives.
- Focus on profitability and deliverability.

Strategic Goals in Local Plans:

- Clarity and certainty to minimise risk.
- Support viable growth aligned with policies.

Influence on Evidence Base:

- Challenge assumptions or data.



Making the Case to the Inspector

Preparation and Submission of Representations:

- High-quality, evidence-backed representations.

Building Credibility:

- Focus on clarity, precision, and professionalism.

Demonstrating Soundness Issues:

- Focus on soundness tests: positively prepared, justified, effective, and consistent with policy.

Advocacy at Hearings:

- Collaborative but firm in presenting arguments.

Tips for the Examination

Be Thorough with Evidence Preparation:

- Ensure a robust and up-to-date evidence base.
- Stress-test key documents.

Engage Early with Stakeholders:

- Identify and address contentious issues early.

Anticipate Developer Arguments:

- Review past representations and prepare responses.

Focus on Deliverability:

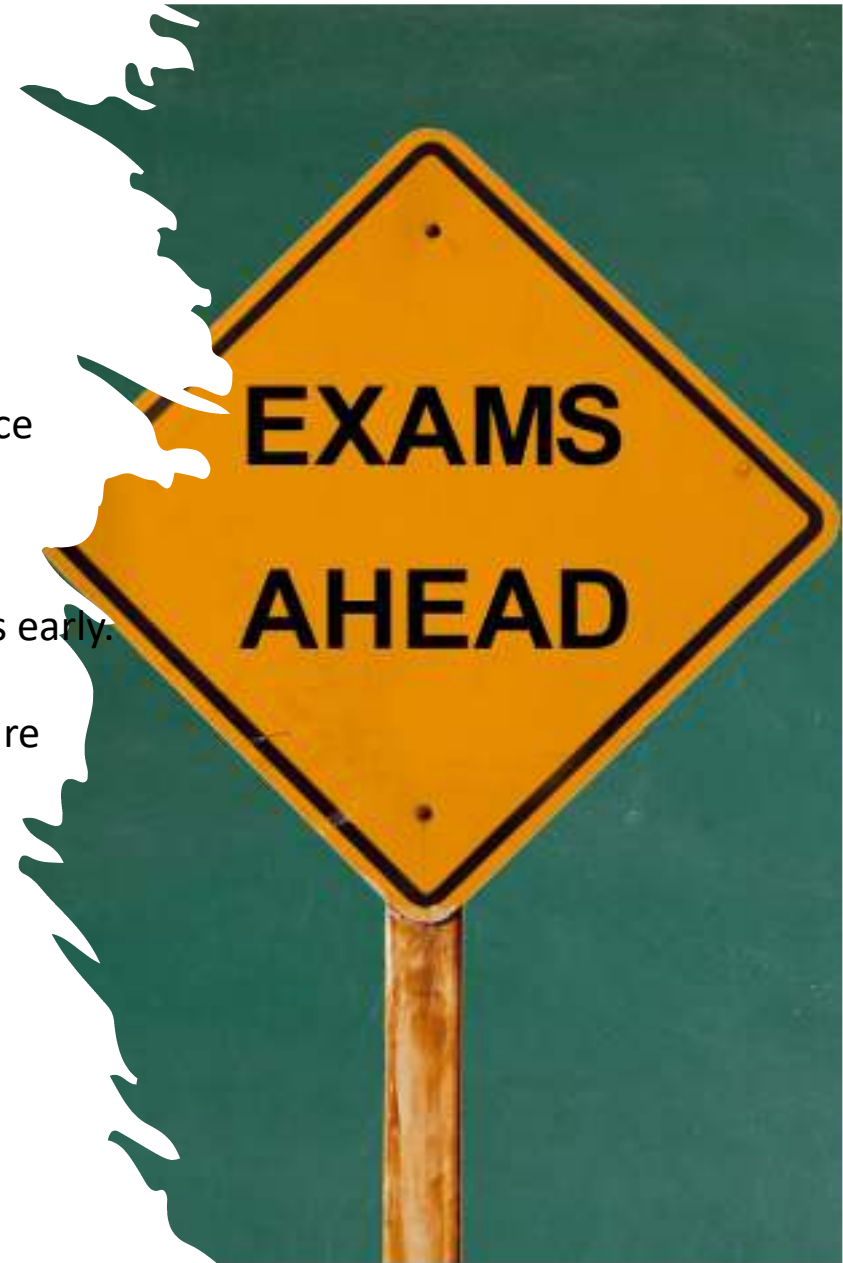
- Realistic timelines and linked policies.

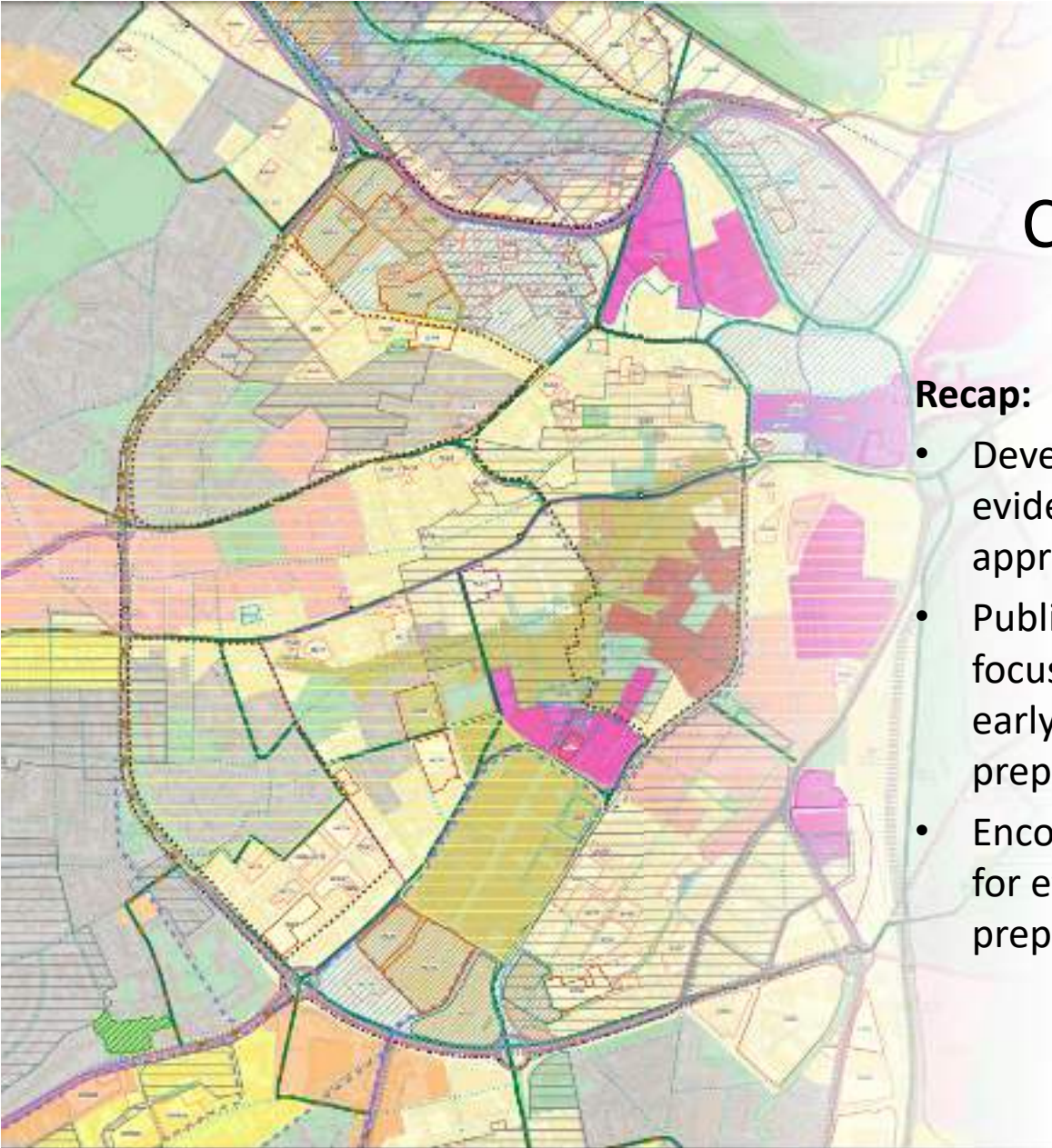
Prepare for Hearings:

- Clear, concise responses to challenges.

Collaborate with Inspectors:

- Provide clear, organised evidence and propose sound modifications.





Conclusion

Recap:

- Developers adopt evidence-based, strategic approaches.
- Public sector planners: focus on robust evidence, early engagement, and preparation.
- Encourage collaboration for effective Local Plan preparation.



Thank You

Midlands: Sherwood Business Park
Nottingham

London: 5 St John's Lane
London

Oxford: Bee House
Milton Park

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