

This paper aims to summarise the changes to national planning rules following the update to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) in December 2023 and its potential impact on the need for local authorities to provide for new housing in Green Belt. The paper also suggests how issues with the updated NPPF can best be addressed.

The new NPPF will apply to new Local Plans where those Plans reach the Regulation 19 stage after 19 March 2024 and so are likely to apply to Three Rivers District's new Local Plan.

Analysis of Likely Impact

The changes to the NPPF are unlikely to deliver certainty that a Local Authority (LA) will not be required by Planning Inspectors to build on Green Belt land to meet the housing need calculated using the Standard Methodology.

Before the most recent changes to the NPPF, the key defence to protect Green Belt from being sacrificed to meet the Standard Methodology targets was Paragraph 11 which stated that the need to protect special areas such as Green Belt provided "*a strong reason for restricting the overall scale, type or distribution of development in the plan area*". However, Planning Inspectors argued that this did not provide a reason not to deliver on Standard Methodology targets as it is not mentioned in the "Housing and Economic Needs Assessment" PPG. It should be noted that no changes have been made to this PPG at this time.

The draft NPPF issued for consultation in December 2022 contained, in paragraph 142, the statement "*Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period.*" This statement provided clarity but has not been included in the final version of the NPPF.

Whilst the new NPPF states in paragraph 145 that "*there is no requirement for Green Belt boundaries to be reviewed or changed*", it then states that LAs "*may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified*". In paragraph 146, it then goes on to say that such exceptional circumstances exist if an LA cannot meet its identified housing need in other ways.

The key will be how the phrase "*may choose*" is applied by Planning Inspectors at Examination – is it truly the LA's choice whether it is willing to lose Green Belt to meet its identified housing need?

Critical to this will be whether the LA has to meet its identified housing needs.

In Chapter 5, paragraph 60 makes it clear that the "*aim should be to meet as much of an area's identified housing need as possible*" which seems to indicate it is not up to the LA to opt not to meet its identified housing need.

This leads us to ask whether the Standard Methodology is still the required basis for the identified housing needs? Paragraph 61 now says that the Standard Methodology is an advisory starting point, but it still refers to there having to be exceptional circumstances to use an alternative approach. In referring to what makes up exceptional circumstances, the only reason referred to is demographic differences – no reference to land constraints.

In paragraph 67, where readers are referred to with regard to the advisory nature of the Standard Methodology, there is only reference to needing **more** housing than the Standard Methodology. There is no reference to delivery of less housing, nor is there any reference to Green Belt being a reason not to deliver on the Standard Methodology figures.

It should be noted that, in the section on how plans are to be examined, paragraph 35 states that the plan must provide a strategy which "*as a minimum, seeks to meet the area's objectively assessed needs*". This appears to say that the LA has no choice but to deliver a plan that meets the new housing level defined by Standard Methodology. But how does that fit with the "advisory" description in paragraph 61?

In summary, there is no certainty that the changes to the NPPF will provide any protection to Green Belt particularly as there has been no relevant update to the PPG.

Proposed Changes to Address Issues Identified

Ideally the National Planning Policy Framework would be amended to reintroduce the statement contained in paragraph 142 of the December 2022 Consultation Draft stating that “*Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period*”.

However, it is understood that that amending the NPPF so soon after the issue of the most recent update could prove inconvenient.

Another way to address the issues would be to address them within the Planning Practice Guidance for Housing and Economic Needs Assessment. This could be achieved by adding a new paragraph to the PPG after the current paragraph 010 (Reference ID: 2a-010-20201216). The existing paragraph 010 is entitled “When might it be appropriate to plan for a higher housing need figure than the standard method indicates?”. However, the PPG contains no guidance on the alternative where it might be appropriate to plan for a lower housing need figure. It is therefore proposed that a new paragraph be introduced as follows:

When might it be appropriate to plan for a lower housing need figure than the standard method indicates?

The government is committed to balance the need for growth with the requirement to protect areas or assets of particular importance as covered by the policies in footnote 7 of the National Planning Policy Framework.

Conflict between meeting the objectively assessed needs for housing and the need to protect the areas or assets referred to above will require that plan-making authorities decide how to balance these needs and may lead to a lower level of new housing being planned for than that defined by the Standard Methodology.

Where the constraining factor is Green Belt boundaries, as covered in paragraph 145 of the National Planning Policy Framework, it is for plan-making authorities to decide whether to review or change the Green Belt boundaries. Where an authority decides to undertake such a review or change, it is for that authority to decide how far to adjust boundaries, regardless of whether or not this will result in a lower level of new housing being planned for.

A statement such as this, included in the PPG for Housing and Economic Needs Assessment, would give local Planning Officers and Planning Inspectors the clarity needed to deliver on the intention to balance housing need with protection of Green Belt referred to in the Secretary of State’s speech on 19th December 2023.

Suggested Wording For Resident Newsletters

Government Betrays The Green Belt

*Despite all the fine words and media noise, after analysing the detailed changes to government policy which sets the rules for Local Plans and planning applications, it is clear that the government has **not** delivered on its promise to protect the Green Belt from excessive housebuilding.*

The original draft of the new planning rules published at the end of 2022 was explicit that Local Authorities did not have to sacrifice Green Belt for building houses. The final rules published just before Christmas has dropped this wording and consists of fudges, inconsistencies, and contradictions. These revised rules do not give the clarity that is desperately needed to prevent Planning Inspectors overriding Local Authorities to sacrifice Green Belt for new houses that local areas do not need. If the rules are not amended or additional guidance issued to Planning Inspectors, we expect that we will continue to unnecessarily lose large areas of irreplaceable Green Belt to developers.

We have already started meeting with MPs to make sure that they understand that the fudge provided will not do the job and that changes are needed. We will keep the pressure on Three Rivers District Council to stick with its current approach of Low Growth and Green Belt protection whilst we work to get the clarity needed in the government’s planning rules and guidance.

Key extracts impacting new Local Plans and the need to develop new housing on Green Belt Land.

In the extracts below, material changes in the NPPF wording are shown by text being in red, whilst key phrases / statements are highlighted in yellow. It should be noted that there are no changes to the PPG for either “Housing and Economic Needs Assessment” or “Housing and Economic Land Availability Assessment”. There is an updated PPG for Green Belt but this PPG does not address whether it is necessary to provide for new housing in the Green Belt to meet a Local Authority’s identified housing need.

NPPF Chapter 2 - Achieving sustainable development

The presumption in favour of sustainable development

11 *Plans and decisions should apply a presumption in favour of sustainable development*

*For **plan-making** this means that:*

- a) *all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

*Footnote 7 “The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; **and designated as Green Belt**, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.”*

NPPF Chapter 3 – Plan Making

Examining plans

35 *Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:*

- a) *Positively prepared – **providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹**; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development*

Footnote 19 “Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework”

NPPF Chapter 5 – Delivering sufficient supply of homes

60 *To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. **The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.***

Key Changes Impacting Local Plans / Development on Green Belt and Proposed Amendments

- 61 To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. **The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below).** There may be exceptional circumstances, including relating to the particular demographic characteristics of an area²⁵ which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for²⁶.

Footnote 25 "Such particular demographic characteristics could, for example, include areas that are islands with no land bridge that have a significant proportion of elderly residents".

- 67 Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. **The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment.** Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations³³. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

NPPF Chapter 13 – Protecting Green Belt land

- 145 Once established, **there is no requirement for** Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. **Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified,** in which case proposals for changes should be made only through the plan-making process. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non- strategic policies, including neighbourhood plans.
- 146 **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:
- b) makes as much use as possible of suitable brownfield sites and underutilised land;
 - c) 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
 - d) 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.

Planning Practice Guidance – Housing and Economic Needs Assessment.

Below is a copy of the full PPG on Housing and Economic Needs Assessment for reference. Paragraph 010 referred to above can be found on page 10.



Housing and
economic needs ass