



Intelligent Plans
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Advisory Note for Harborough District Council

Review of the Revised NPPF (December 2023) and its implications for the Harborough Local Plan

**An Advisory Note prepared for Harborough District Council by:
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1. Introduction

- 1.1 This Advisory Note has been prepared for the Officers of Harborough District Council (the Council) and provides an assessment of the implications for the emerging Harborough Local Plan 2020-2041 arising from the revised National Planning Policy Framework (the revised NPPF) that was published by the Government on 19 December 2023.
- 1.2 It specifically only addresses the significant matters that have been introduced, either by way of new policy material or by amended policy material, in the revised NPPF. All other matters, for example on Retail policy and Sustainable Transport policy, that are not referred to in this Note have been carried forward very largely without any significant change from the previous version of the NPPF dated September 2023.
- 1.3 This Note has been prepared by Derek Stebbing, a consultant employed by Intelligent Plans and Examinations (IPE) Ltd. He is a chartered town planner, with over 45 years of experience in planning. He has worked in both the public and private sectors, including as a Planning Inspector for the Planning Inspectorate. He has substantial experience of examining both local plans and neighbourhood plans. He was also appointed to serve on a Government working group (the Local Plan Expert Group - LPEG) considering measures to improve the local plan system, and has undertaken peer reviews on behalf of the Planning Advisory Service. He therefore has the appropriate qualifications and experience to undertake this commission and has advised the Council on various matters relating to the emerging Local Plan during 2023.
- 1.4 It is emphasised that he is independent of the District Council and the advice in this Note is based upon an independent assessment of the key factors that need to be taken into consideration by the Council in the preparation of its Local Plan.

2. The Revised NPPF

- 2.1 The revised NPPF was published on 19 December 2023 and became effective from that date.
- 2.2 Annex 1 to the revised NPPF sets out the transition arrangements for the purposes of Plan-making. As the emerging Harborough Local Plan has not yet been published for its Regulation 18 consultation, although it was approved in draft form for consultation by the Council on 18 December 2023, and will not reach its Regulation 19 (Pre-Submission) stage by 19 March 2024, the Council will therefore not benefit from the transitional arrangements set out at paragraph 230, which for ease of reference are set out in full below:

230. *The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. For Spatial Development Strategies, this Framework applies to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 after 19 March 2024. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.*

- 2.3 The emerging Local Plan must therefore be prepared in accordance with the revised NPPF and this may require some relatively minor revisions to the draft that was considered by the Council on 18 December 2023.
- 2.4 The most significant amendments contained in the revised NPPF are in Section 5 (Delivering a sufficient supply of housing) but a number of other amendments are referenced in this Note. The following matters are considered to be of direct relevance to the Council.
- 2.5 Paragraph 20 adds the requirement that strategic policies should ensure outcomes support “beauty and placemaking”.
- 2.6 Paragraph 61 now states that the outcome of the standard method for calculation local housing need is an “advisory starting-point for establishing a housing requirement for the area. In the case of Harborough, it is not considered that the Council would be able to demonstrate exceptional circumstances to justify an alternative approach to assessing housing need. Paragraph 67 confirms that the housing requirement may be higher than the identified housing need, “*if, for example, it includes provision for neighbouring areas*” which is the case in Harborough which will meet part of Leicester City’s unmet need (see also paragraphs 2.8 - 2.10 below).
- 2.7 Paragraph 62 and Footnote No. 27

62. The standard method incorporates an uplift which applies to certain cities and urban centres, as set out in national planning guidance. This uplift should be accommodated within those cities and urban centres themselves except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with the policies in this Framework 27.

Footnote 27 - In doing so, strategic policies should promote an effective use of land and optimise site densities in accordance with chapter 11. This is to ensure that homes are built in the right places, to prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.

- 2.8 This paragraph confirms that the 'Cities uplift' of 35% continues to apply to the City of Leicester and that this should be accommodated within the Leicester City boundary "except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with the policies in this Framework". In the context of meeting Leicester's unmet housing need for the period up to 2036, the Council's decision to sign the Leicester and Leicestershire Statement of Common Ground relating to Housing and Employment Land Needs (the L&L SoCG) therefore remains entirely justified and conforms with the principle identified in this paragraph of a 'voluntary cross boundary agreement'.
- 2.9 It is also important to note that the L&L SoCG fulfils a key part of the Leicestershire authorities' (including Harborough District Council's) requirements to maintain effective and on-going joint working under the Duty to Co-operate, which presently remains a legal requirement. In that respect, paragraph 27 of the NPPF states that "In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in co-operating to address these". Paragraph 67 of the NPPF states that "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". The L&L SoCG conforms with this aspect of national policy, demonstrating how Leicester City's unmet housing need can be met across the other Leicestershire districts.
- 2.10 The Council is therefore advised that there is no requirement to revisit its decision to sign the L&L SoCG. It is entirely in accordance with national policy, which will be a key factor in demonstrating to the Inspector appointed to examine the new Local Plan that the Council has met its requirements under the Duty to Co-operate, and that the Plan meets the tests of soundness in respect of addressing the district's housing need and a proportion of Leicester City's unmet housing need.
- 2.11 Paragraphs 76, 77 and 226 and Footnote No. 42

These paragraphs state:

76. *Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*

- a) *their adopted plan is less than five years old; and*
- b) *that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old* 42. *Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*
226. *From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.*

Footnote 42 - Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

- 2.12 These paragraphs confirm that, with the current adopted Harborough Local Plan becoming five years old in April 2024, the policy guidance set out in Paragraph 76 will not be applicable to the Council from that date onwards, until the emerging new Local Plan is adopted, potentially between May and December 2026, in accordance with the Local Development Scheme which was approved by the Council on 18 December 2023. However, the transitional arrangements for the purposes of decision-making, as set out in paragraph 226, confirm that once the Council can progress to the Regulation 19 (Pre-Submission) consultation stage on its emerging new Local Plan, currently scheduled for January-March 2025, the considerable benefit of being required to demonstrate a minimum of four years' housing land supply (rather than five years' supply) will apply in Harborough.
- 2.13 Paragraph 130 is a new paragraph within Section 11 (Making effective use of land) and states that "*In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form*

would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.” It is understood that the Council intends to prepare a district-wide Design Code as a Supplementary Plan under the provisions (when implemented) of the Levelling-up and Regeneration Act 2023 that will be adopted as part of the Development Plan.

- 2.14 Section 12 is now entitled “Achieving well-designed and beautiful places” emphasising the Government’s desire that planning policies and decisions lead to the creation of beautiful places.

3. Advice

- 3.1 From our review of the revised NPPF there are no revisions or amendments contained in the document that require the Council to reconsider any of the recent decisions that it has taken concerning its new Local Plan. In a number of respects, the revisions serve to reinforce the rationale for those decisions.
- 3.2 Our advice to the Council is to maintain its progress in preparing its new Local Plan on the basis of the revised NPPF, which contains no revisions or amendments that would justify a different approach being taken at this time.

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