

LDP Member Working Group

29 January 2024



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Overview of NPPF updates (Dec 2023)

- The NPPF is national policy which sets out how local plans should be made and how planning applications should be determined.
- On the 19 December 2023 Government published an update to the National Planning Policy Framework (NPPF).



Summary of changes

Preparing and maintaining up-to-date Plans is made an explicit priority

- The first paragraph of the NPPF has been updated to emphasise the Government's view that every authority should have an up-to-date plan.

Greater emphasis on housing delivery

- There are several changes that place greater emphasis on the importance of delivering new housing, including at paragraphs 1 and 7. Paragraph 15 requires Local Plans to 'meet' rather than 'address' housing needs.
- Chapter 5 (Delivering a sufficient supply of homes) deals with this in greater detail and sets out that the overall aim should be to meet as much of an area's identified housing need as possible.



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Summary of changes (Housing need and supply)

Calculating Housing Need

- The outcome of the Standard Method for establishing a housing requirement is now seen as a starting point – although exceptional circumstances (including relating to the demographic characteristics of an area) are still required to justify an alternative approach. The specific example given of exceptional circumstances (footnote 25) is islands with no land bridge that have a significant proportion of elderly residents.

Housing Land Supply Buffers

- The 5% and 10% buffers that can be applied to local authority housing land supply calculations has been removed, but where there is a history of under delivery of housing over the previous 3 years, the following happens:
 - Falls below 95% of need: an action plan needs to be produced;
 - Falls below 85% of need: a buffer of 20% is added to the land supply requirement and an action plan is required; and
 - Falls below 75% of need: the presumption in favour of sustainable development applies in addition to 20% buffer and action plan.



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Summary of changes (5 year land supply and Green Belt)

Five-year Housing Land Supply

- Removal of the requirement on councils to demonstrate a rolling 5-year housing land supply if (a) their local plan is less than 5 years old and (b) the plan when adopted demonstrated a 5-year supply. This is only relevant to planning applications submitted after the 19 December 2023.
- If the local plan is more than 5 years old, but their new emerging local plan has reached regulation 18 stage, the council will only need to demonstrate (and update annually) a 4-year supply.

Green Belt

- Paragraph 145 now has greater emphasis that there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. There is still allowance for Green Belt boundaries to be reviewed or altered where exceptional circumstances are fully evidenced or justified.
- Paragraph 146, which is unchanged (previously paragraph 141) sets out all the other reasonable options that should be examined fully before concluding exceptional circumstances exist to justify changes to Green Belt boundaries. This includes using suitable brownfield and underutilised sites, optimising densities of development including significantly uplifting minimum density standards in town centres and ensuring discussions with neighbouring authorities have explored whether they could meet some identified need.



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Summary of changes (cont.)

Agricultural Land

- Footnote 62 now emphasises that the availability and quality of agricultural land for food production should be considered when allocating agricultural land for development.

Community-led developments

- Paragraph 70 now sets out that local planning authorities should seek opportunities to support small sites to come forward for community-led development for housing and self-build and custom-build housing. The NPPF glossary defines community-led development as: A development instigated and taken forward by a not-for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members and the wider local community, rather than being a primarily commercial enterprise.
- Policies and decisions should support small sites to come forward for community-led development.



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Summary of changes (Design and density)

Design and Local Design Codes

- Throughout the NPPF, additional references to beauty have been added.
- Greater emphasis on the use of local design codes prepared in line with the National Model Design Code as well as beautiful and well-designed places.

Mansard Roof Extensions

- Specific and detailed requirements for Local Planning Authorities to support proposals to develop mansard roof extensions.

Density of Development

- Significant uplifts in the average density of residential development are inappropriate where it would be wholly out of character with the existing area.

Renewable Energy

- Significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings (including heat pumps and solar panels).



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Future changes to national policy and legislation

Government published details of the proposed new system of plan-making in both the December 2022 consultation and a further focused consultation in July 2023. In summary this indicates the following:

1. All plans submitted after the deadline of 30 June 2025 will need to be prepared in accordance with the new system;
2. The regulations, policy and guidance for the new system should be in place by autumn 2024.
3. Plans under the new system should be:
 - Simpler to understand and use;
 - Prepared more quickly and updated more frequently; and,
 - Make best use of digital technology
4. Plans will focus on only 'locally important' matters, with other matters covered by the National Development Management Policies (NDMPs)
5. There will be a 30-month timeframe for planning authorities to prepare and adopt a local plan, and the process will become more standardised with three new 'gateway' assessments prior to examination.
6. Supplementary plans will be available to help planning authorities to react quickly to changes in their areas.
7. The amount of evidence required to develop a plan and defend it at examination should be reduced.



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Future changes to national policy and legislation

- Government indicated in the July 2023 consultation that there could be a phased roll-out of the new system, where a small cohort of around ten front-runner authorities would prepare new-style local plans, potentially starting from Autumn 2024.
- Remaining authorities could be grouped into ‘waves’ by the date that they have most recently adopted a plan and allocated a 6-month plan-making commencement window.
- Overall, the details of the new system are relatively high-level at this stage. It is not yet known, for example:
 1. Which ‘locally important matters’ will fall within the scope of the local plans once the NDMPs come into force;
 2. Which authorities will be ‘front-runners’ and which will be assigned into each of the following ‘waves’; and
 3. Which evidence base documents may be reduced in scope or no longer required



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Overview of the Standard method for assessing local housing needs

- The standard method for assessing local housing needs for planning purposes was first introduced in 2018. It was based on the 2014-based Household Projections with a formula uplift for affordability, and then subject to a 'cap' in relation to current plan requirements.
- The method requires LPAs to:
 1. Determine household growth using 2014-based sub national household projections for the area in question, based on the average over a 10-year period.
 2. Adjust this figure upwards according to a published affordability formula (thereby counting some of the same households more than once).
 3. Cap the level of increase that any one LPA can face, depending on the status of its existing plan (thereby excluding some households entirely)
 4. Apply an uplift in certain urban areas of 35% (There is no relationship of this % to the local household projections).



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Local Plan Review update – Key stages

The preparation of a Local Plan follows the key stages outlined below:

- Evidence gathering and early-stage consultation (Regulation 18)
- Pre-Submission publication stage (Regulation 19)
- Submission of Local Plan for independent examination (Regulation 22)
- Inspector's report and adoption (Regulation 24)



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Local Plan Review update - Evidence

- Para 31 of the NPPF states that the preparation and review of all policies in a Local Plan should be underpinned by relevant and up-to-date evidence. The Brentwood Local Plan Review is currently at the evidence gathering stage which is to inform the preparation of a Reg 18 consultation. The relevant evidence includes, but is not limited to the following:

Economy and employment

- Employment Land Study and Needs Assessment

Environment

- Green Belt Assessment
- Strategic Flood Risk Assessment
- Integrated Impact Assessment
- Landscape Assessment

Housing

- Strategic Housing Market Assessment
- Gypsy and Traveller Accommodation Assessment

Infrastructure

- Infrastructure Delivery Plan



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Local Plan Review update - Evidence (cont.)

Leisure and recreation

- Playing pitch strategy
- Open space, sport and leisure needs assessment

Retail and town centres

- Retail and Commercial Leisure Study

Site assessment

- Housing and Economic Land Availability Assessment

Transport

- Transport Assessment

Viability

- Local Plan Viability Assessment



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