



ADUR & WORTHING  
COUNCILS

Joint Strategic Committee  
12 September 2024

Key Decision [Yes/No]

Ward(s) Affected: All

## Proposed Response to Consultation on Changes to the National Planning Framework

### Report by the Assistant Director of Regenerative Development

#### Officer Contact Details

Moira Hayes  
Interim Joint Planning Policy Manager  
01273-263247  
moira.hayes@adur-worthing.gov.uk

#### Executive Summary

##### 1. Purpose

- 1.1. The Government has proposed a range of changes to the planning system, including to the National Planning Policy Framework, which has been published for consultation. This report highlights key elements of the proposals and provides a proposed response to the consultation (see Appendix).

##### 2. Recommendations

- 2.1. It is recommended that the Committee note the report and any comments made on it by the Adur Planning Committee
- 2.2. It is recommended that the Committee agrees the response to be submitted to the Government consultation.

### 3.0 Context

3.1 The Government has announced a range of proposals in relation to planning, including revisions to the National Planning Policy Framework (NPPF) which forms a statement of national planning policy for England. The proposed changes are intended to facilitate and boost housing delivery (with a focus on affordability and prioritising social rented tenures) and sustained economic growth. Other issues which are addressed include potential reforms to planning fees, revisions to strategic planning and cooperation between authorities. The consultation closes on 24th September 2024.

3.2 There are a number of changes proposed in the NPPF; some key proposals are summarised here:

- i) **Standard Methodology:** The Standard Methodology is a formula-based approach to measuring housing need in a particular authority. The Standard Methodology (SM) would become the mandatory approach to assessing need; text referring to this as an 'advisory starting point' would be deleted. (Currently alternative approaches can be used where justified). A new approach to the SM is also proposed, using housing stock rather than population inputs which remain relatively stable in contrast with household and population projections which can fluctuate and are based on past trends; and keeping targets proportionate to existing communities. A stock based approach also focuses development in urban areas where existing infrastructure can be maximised. A stronger 'affordability multiplier' is also proposed to increase this baseline figure in relation to cost pressures. However the 'cap' which is currently applied to need figures would be removed. The revised SM is intended to support increased house building across the country.

However both the current and proposed NPPF make clear that the Standard Methodology is not the same as the housing requirement (or target) in the Local Plan, which, as now, is to be set on the basis of the presumption in favour of sustainable development and tested and determined through the Local Plan process. Authorities will be able to justify a lower housing requirement (target) figure on the basis of local constraints on land and delivery - such as National Parks, flood risk etc. However the consultation makes clear that:

*All local planning authorities will need to demonstrate they have taken all possible steps, including optimising density, sharing need with*

*neighbouring authorities, ... before a lower housing requirement will be considered.'*

It is worth noting that both the adopted Adur Local Plan 2017 and Worthing Local Plan 2023 were required to rigorously test their proposed housing targets against a significantly higher housing need figure.

For example, proposed changes to the Standard Methodology figure for Adur would result in a figure of 545 (increased from a current figure of 449). However it is worth noting that the adopted Adur Local Plan was tested against an objectively assessed need figure of 325 dwellings per annum, but, the housing requirement target in the plan was reduced to 177 dwellings per annum over the plan period through evidence and testing.

Similarly the proposed changes to the Standard Methodology figure for Worthing would result in a figure of 862 (this is shown in the Government's spreadsheet as increasing from a current figure of 322). However it is worth noting that the adopted Worthing Local Plan was assessed against an objectively assessed need figure of 885 dwellings per annum but through evidence and testing, the housing requirement target in the plan was reduced to 230 dwellings per annum over the plan period.

If the proposed changes are implemented, the emerging Adur Local Plan update will need to test capacity and constraints against the proposed new Standard Methodology figure. Similarly parts of the evidence base (eg transport) will need to use the proposed SM figure as a testing scenario to determine the impact of a 'full SM delivery scenario' compared against a 'capacity-based' scenario. As Adur's plan is more than 5 years old, housing land supply is already measured against the existing standard methodology requirement and therefore this will have an immediate effect once the proposed new approach is adopted.

- ii) **Prioritising Brownfield Land:** Both the Proposed NPPF changes and Written Ministerial Statement (WMS) reinforce the expectation that development proposals for homes and other identified needs on suitable brownfield land within settlements are viewed positively. The additional wording - to new paragraph 122 - states that proposals for brownfield land within settlements "should be regarded as acceptable in principle." This, the consultation document says, makes clear that the default answer to brownfield development should be yes. The proposed NPPF will also strengthen expectations for plans to provide uplifts in density.

For both Adur and Worthing, the constrained geographies mean that the majority of development is already on brownfield land. Similarly, in both authorities, development of land within the Built Up Area Boundaries (settlement boundaries) is already acceptable in principle, as set out in the respective Local Plans.

However in reviewing plans it may no longer be enough for plans to assume densities consistent with local areas and instead should consider whether higher densities than existing are appropriate. For Adur this is particularly relevant in terms of the Shoreham Harbour Western Harbour Arm (WHA) and emerging Placemaking Study. As part of the Local Plan process it will be necessary to consider how this and other sites can contribute to the need for homes.

- iii) **The presumption in favour of sustainable development** is, the consultation document states, intended to provide a ‘fallback’ to encourage planning permission to be granted where plan policies are not up-to-date, including where there is an insufficient supply of land. The document recognises that this is likely to apply to more local authorities in the short-term. It ‘tilts the balance’ towards approval by making clear permission should be granted unless doing so has adverse impacts on safeguarded areas such as National Parks.

Changes are proposed to clarify what policies are ‘most important’ in the assessment of housing schemes. The changes proposed to paragraph 11 of the draft NPPF state that these are policies “for the supply of land”. A new footnote explains further that these are policies “which set an overall requirement and/or make allocations and allowances for windfall sites for the area and type of development concerned.” In addition the proposals seek to add a reference to the need to consider policies “for the location and design of development” and “for securing affordable homes”, when the presumption is engaged.

This is apparently intended to ensure a greater supply of land for housing and that quality developments are delivered; however it is possible that when the presumption is applied and used (e.g. appeal scenarios) the potential provision of affordable homes will, in the views of the appellant, give greater weight to proposals contrary to the strategy of the development plan. The changes may make it easier for speculative development to be achieved, particularly when taken together with

changes to the five year land supply. Adur does not currently have a five year land supply and therefore the presumption already applies.

- iv) **Affordable Housing:** The Government is keen to ensure that delivery of affordable homes is not only increased but that homes are genuinely affordable; as such there is a particular emphasis on provision of social rented homes as defined in the NPPF. As such greater flexibility will be allowed to local planning authorities (LPA's) in developing planning policy for affordable homes particularly in regard to the mix of affordable housing sought. LPA's will need to specify expectations regarding the delivery of social rent as part of wider affordable housing policies. Wording in the current NPPF which requires at least 10% of affordable homes to be for affordable home ownership will be deleted (which will allow authorities greater flexibility as to how affordable homes tenures are prioritised). Authorities are also expected to take a positive approach to mixed tenure sites in policies and decision making.

Both the Adur and Worthing Local Plans already specifically refer to the significant need for social rented homes and make clear these are a priority for delivery. The most recent evidence for housing need types in Adur & Worthing (Adur and Worthing Strategic Housing Market Assessment 2020) noted the high need for social rented homes. This matter will be addressed in future updates of this evidence. However it should be noted that viability of provision of affordable tenures remains a factor in developing the affordable housing mix for any particular site.

The consultation documents indicate that Homes England have been asked by the Government to maximise social rented homes in allocating any remaining funds in the 2021-26 programme; Right to Buy discounts will also be reviewed, as will eligibility criteria and protections for new homes. A further consultation on this matter will be held in Autumn. Further funding will be made available via the third round of the Local Authority Housing Fund.

- v) **Five year land supply:** Changes made to the five-year housing land (5YHLS) supply policy in December 2023 are proposed to be reversed. The 5% and 20% buffer that previously applied in calculating 5YHLS is also proposed to be restored, with the latter only being applied where an LPA significantly under delivers against their housing requirement as measured through the Housing Delivery Test or local housing need where relevant. The previous NPPF states that adopted plans less than five years old did not need to identify a five year supply of land. However this

is proposed to be deleted; it is not clear what the implications are for plans less than five years old, such as the Worthing Local Plan. Due to performance against the Housing Delivery Test, both Adur and Worthing's latest 5 year land supply assessments already include a 20% buffer - as such there is no significant change in this respect.

- vi) Cross-boundary and strategic planning:** The Government proposes to introduce new mechanisms for cross-boundary strategic planning to address key spatial issues including meeting housing needs and delivering strategic infrastructure; the role of Local Nature Recovery Strategies is also noted. The WMS refers to creating '*universal coverage of strategic planning in the lifetime of this parliament*' via Spatial Development Strategies (SDS) and notes the need to consider appropriate geographies and democratic mechanisms. The Government expects to work with local leaders to develop and test these proposals before legislation is introduced. In tandem the NPPF is proposed to be strengthened to ensure cooperation between authorities particularly on the sharing of unmet housing needs and other strategic issues, and identifying priority groupings where strategic planning (particularly regarding unmet housing needs) would be particularly beneficial. The WMS also refers to using powers in intervention where necessary.

Both Adur & Worthing have worked with other authorities in West Sussex and Greater Brighton to develop Local Strategic Statement 1 (2013) and Local Strategic Statement 2 (2016) to identify and agree issues and constraints. However, as yet this process has not been able to address the significant shortfalls in the sub-regional housing market areas. Indeed, most recently water neutrality issues have in fact created additional constraints to inhibit housebuilding elsewhere in West Sussex. Although a LSS3 statement is proposed, this has not yet progressed.

The proposed SDS approach may provide opportunities for an alternative/wider geographical focus but it is made clear that the government expects issues to be resolved and may intervene where it considers matters (including housing shortfalls) are not being adequately addressed. The proposed liaison with local leaders provides an opportunity to influence decisions on appropriate geographies, allowing factors such as housing market areas, travel to work areas, and functional economic areas to be taken into account.

- vii) Infrastructure:** Amendments are proposed to specifically support infrastructure in the form of gigafactories, data centres, electricity grid

connections, logistics and freight. The Government is also considering whether these types of projects should fall within the Nationally Significant Infrastructure Projects (NSIP) regime.

The Government proposes adding wording (paragraph 98) to clarify that that “significant weight” should be given to the importance of facilitating new, expanded or upgraded public service infrastructure when considering proposals for development.

The Government will not be implementing the Infrastructure Levy as proposed by the previous administration in the Levelling Up and Regeneration Act. As such, the update of the Adur Local Plan provides an opportunity to consider whether the Community Infrastructure Levy could be implemented in Adur, if demonstrated to be viable. This is best addressed via a ‘Whole Plan Viability’ study as the Local Plan policy requirements, housing proposals etc are developed.

At present, LPAs are required to consider identifying suitable areas for renewable and low carbon energy generation. The proposed changes would make this a requirement in local plan preparation.

In decision making LPAs would be expected to support proposals for all forms of renewable and low carbon energy generation, and to give significant weight to the proposals contribution to achieving net zero.

Implications for Adur & Worthing:

Neither Adur or Worthing have sufficient land for large scale solar or wind projects that would fall under the NSIP regime. Smaller projects could come forward, particularly in Adur, for example at Shoreham Port. These would not necessarily need to be on sites identified in the local plan, although the update to the Adur Local Plan would need to identify suitable sites.

- viii) Achieving Well Designed Places:** Recent amendments to the NPPF (paragraph 130) which state that local character can be taken into account when considering the ability to meet housing needs are proposed to be deleted.

The Government proposes to remove the recent requirement for area-wide design codes, and instead proposes these are focussed on areas of ‘most change and most potential’ including regeneration sites and areas of intensification. Wording is proposed (paragraph 135) to

reiterate that the National Model Design Code is the primary basis for the preparation of local codes.

For both Adur and Worthing, the deletion of the area-wide requirement is welcomed, removing a potentially high-resource requirement and allowing focus on areas of particular priority - this might include for example the Western Harbour Arm in Adur, or town centres. However the deletion of paragraph 130 may have implications for the assessment of sites emerging through the local plan process.

- ix) Local Planning:** There is no change to the importance of the local development plan; the Government clearly states that the local plan system is the appropriate way to plan for growth and environmental enhancement. The Government's goal is for universal coverage of Local Plans as quickly as possible. The consultation document clearly states: *'Local Planning authorities should continue to progress their plans to adoption under the existing system without delay'*.

It goes on to state:

*All plans at earlier stages of preparation (ie plans that have not yet reached Regulation 19 stage one month after the revised NPPF is published) should be prepared against the revised version of the NPPF and progressed as quickly as possible.*

This will therefore apply to the update of the Adur Local Plan.

The consultation makes clear that proposed reforms set out in the Levelling Up and Regeneration Act by the previous Government will be progressed; however the date for submitting a Local Plan under the current system is proposed to be pushed back to December 2026 (previously June 2025). Annex 1 of the NPPF sets out proposed transitional arrangements; plans at an early stage of preparation should be prepared under the revised NPPF. As such, the update of the Adur Local Plan will need to be progressed at pace to meet this deadline and will require financial and staff resources to ensure an up-to-date and robust evidence base, appropriate consultation and timely governance.

The WMS clearly states that the Secretary of State is prepared to use their powers of intervention to drive progress if required - which could include taking over plan-making directly. Decisions on intervention will have regard to local development needs; sub-regional, regional and national development needs; or plan progress.



- x) **Fees:** The Government proposes to use the Planning and Infrastructure Bill to allow LPAs to set their own fees. This will require some work to consider options for this for Adur and Worthing once the national requirements are in place; however, indicative responses have been provided to the consultation questions.

#### **4. Issues for consideration**

- 4.1 It is proposed that the Councils provide a response to the consultation for the consultation questions. A verbal update will be given to reflect any comments made by the Adur Planning Committee at the meeting on 2nd September 2024. Please note that the report and proposed response will also be considered by the Worthing Planning Committee on 18th September 2024.

#### **5. Financial Implications**

- There are no immediate financial implications arising directly from this consultation.

#### **6. Legal Implications**

- Once amendments to the NPPF are adopted, this will constitute the national planning policy for England. Planning decisions will have to be made in line with the NPPF unless material considerations indicate otherwise.

### **Background Papers**

Written Ministerial Statement: Building The Homes We Need 30th July 2024. <https://questions-statements.parliament.uk/written-statements/detail/2024-07-30/hcws48>

Proposed NPPF Changes - Draft text for Consultation: [https://assets.publishing.service.gov.uk/media/66acffddce1fd0da7b593274/NPPF\\_with\\_footnotes.pdf](https://assets.publishing.service.gov.uk/media/66acffddce1fd0da7b593274/NPPF_with_footnotes.pdf)

Letter from the Deputy Prime Minister to Local Authorities 31st July  
2024:<https://www.gov.uk/government/publications/letter-from-the-deputy-prime-minister-to-local-authorities-playing-your-part-in-building-the-homes-we-need>

Proposed Changes to Standard Methodology <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F66a8d6a20808eaf43b50d9a8%2Foutcome-of-the-proposed-revised-method.ods&wdOrigin=BROWSELINK>

## **Sustainability & Risk Assessment**

### **1. Economic**

- The NPPF sets out economic, social and environmental planning policy for England.

### **2. Social**

#### **2.1 Social Value**

- The NPPF sets out economic, social and environmental planning policy for England. This addresses matters including the need for planning to support the delivery of homes, jobs and open spaces.

#### **2.2 Equality Issues**

- No specific issues identified in relation to this consultation.

#### **2.3 Community Safety Issues (Section 17)**

- No specific issues identified in relation to this consultation.

#### **2.4 Human Rights Issues**

No specific issues identified in relation to this consultation.

### **3. Environmental**

- The NPPF sets out economic, social and environmental planning policy for England. This includes the need to address biodiversity, carbon reduction and sustainable design matters.

### **4. Governance**

- Once adopted the NPPF will become the statement of national planning policy for England; as such, planning decisions will have to be made in line with the NPPF unless material considerations indicate otherwise.