

**North
Herts**
Council

**National Planning Policy
Framework, 2024
Consultation
Briefing Note**

As you will have no doubt heard the new Government is promoting a growth agenda. In order to facilitate the desired growth, the Government is seeking to make widespread reforms to the planning system.

From the 30 July to 24 September the Ministry of Housing, Communities and Local Government is seeking views on how they might revise national planning policy to support our wider objectives.

The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England. The policies set out in this framework apply to the preparation of local and neighbourhood plans and to decisions on planning applications.

Officers are currently reviewing the consultation documentation and liaising with other Hertfordshire authorities, a response will be prepared in consultation with the Executive Member for Planning and Transport.

This briefing note sets out the changes proposed in the NPPF 2024 consultation paper and explains the implications for North Herts if they are carried forward into the final version.

Proposed reforms to the NPPF, published 30 July 2024

1. The consultation seeks views on revising the NPPF to achieve sustainable growth across England. The changes are ultimately focussed on a strengthening of the drive to meet housing and other development needs.
2. It also considers wider proposals including, but not limited to
 - Increasing planning fees
 - Local plan intervention criteria
 - Appropriate thresholds for Nationally Significant Infrastructure Projects (NSIPs)

Updating the presumption (in favour of sustainable development)

3. Amended paragraph 11d) of the NPPF states that

'where there are no relevant development plan policies, or the policies for the supply of land are out-of-date, granting permission unless

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes.'*

In relation to 'policies for the supply of land are out-of-date', footnote 9 clarifies that

'this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 76); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.'

4. We currently benefit from our Plan being recently adopted and thereby not having to evidence that we have a five-year housing land supply (5YHLS) as per the details set out in the 2023 NPPF. This element of the NPPF 2023 is being removed and with it our protection.
5. With regard to criterion (a) of footnote 9, North Herts does not currently have a 5YHLS. It currently sits at 3.9 years against our adopted housing requirement¹. This means that should this come into force there is a presumption in favour of sustainable development through the decision-making mechanism, that is for large scale sites the Planning Control Committee.
6. In respect of criterion (b) of footnote 9, this does not apply to us as our latest Housing Delivery Test (HDT) result, 2022 (publication delayed until December 2023) was 118%.
7. Paragraph 11d) ii) does emphasise the importance of the location and design of the development and affordable housing considerations when applying the presumption, although not expressly setting out how much weight is to be given.

Changes to housing need

8. A new Standard Method has been proposed for establishing housing need to drive the boost to housing delivery. It adopts a two-step approach for each Local Authority Area:
 - Take 0.8% of the current housing stock of the area;
 - Apply an uplift, based on the three-year average of the median workplace-based affordability ration, with an increase of 15% for every unit above four.

¹ [Five Year Housing Land Supply Position Statement 2024.pdf \(north-herts.gov.uk\)](#)

9. This means for North Herts that our housing delivery figure increases from 910 units, under the current methodology, to 992, under the proposed method, resulting in an average annual net addition of 467 units². This is shown in the published '[Outcome of the proposed revised method](#)' included as part of the Governments consultation.

ONS Code	Local Authority Name	Region	Current Method	Proposed Method	Average Annual Net additions (2020/21-2022/23)
E07000099	North Hertfordshire	East of England	910	992	467

10. There are also proposals to amend the policy on housing mix. Paragraph 64 is amended to include a specific reference to Social Rent³ and 'looked after children' as those for whom needs should be assessed and reflected in planning policies.
11. Paragraph 66 requires that policies specify the minimum proportion of Social Rent homes required and that major development should '*expect that the mix of affordable housing required meets identified local needs, across both affordable housing for rent and affordable home ownership tenures*'.
12. Our Local Plan currently requires affordable housing to be delivered as follows, based upon evidence submitted for examination (this will of course be updated again in line with the next Local Plan update).

Size of site (gross dwellings)	Target % of dwellings to be affordable
11 – 14	25%
15 – 24	35%
25 or more	45%

Of which

Affordable housing type	Target % of dwellings
Rented	65%

² Annual net additional dwellings, MHCLG. Recent delivery is defined as average annual net additions over the last 3 years (2020/21 to 2022/23). Net additions for local authorities are taken from [Table 122: housing supply; net additional dwellings by local authority district, England](#)

³ Social rent housing is provided by social landlords and rented for less than would be paid if renting privately. It typically has lower rents than Affordable Rent (Affordable Rent must be at least 20% cheaper than the equivalent private rent in the area and must be below the value of the Local Housing Allowance of the area)

Other forms of affordable housing	35%
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13. Paragraph 69 proposes a change to support the delivery of ‘mixed tenure sites’ to provide a range of benefits including, but not limited to, creating diverse communities and supporting timely build out rates.

Housing land supply

14. This NPPF reverses the changes made to housing land supply in the 2023 NPPF.
15. Paragraph 76 restores the requirements for Local Planning Authorities (LPAs) to demonstrate a five-year housing land supply (5YHLS), even when the adopted plan is less than five years old. As discussed previously, this change affects North Herts as we are unable to demonstrate a 5YHLS, we can only demonstrate a supply of 3.9 years against our adopted housing requirement.
16. The requirement to include a 5% buffer to ensure choice and competition in the market for land has been reinstated along with the 20% buffer for LPAs that have scored below 85% in the HDT.
17. This means, in respect of the reinstatement of the 5% buffer for choice and competition, that our 5YHLS figure is lowered further to approximately 3.7 years⁴ against our adopted housing requirement.
18. If we have to add an additional 20% buffer if our HDT score falls below 85%, we would be looking at a 5YHLS figure of approximately 3.1 years⁵ against our adopted housing requirement.
19. The restoration of the 5YHLS obligations in full becomes potentially very powerful alongside the proposals for ‘Grey Belt’ for the delivery of the presumption of sustainable development.

Green Belt

20. Green Belt policy has been reformed and introduced the ‘Grey Belt’, defined as

‘For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the green belt comprising Previously Developed Land (PDL) and any other parcels and/or areas of Green Belt land that make a limited contribution to

⁴ Provisional figure

⁵ Provisional figure

the five Green Belt purposes (as defined in para 140 of this Framework), but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt)

Paragraph 140 of the NPPF sets out the five purposes of the Green Belt as

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

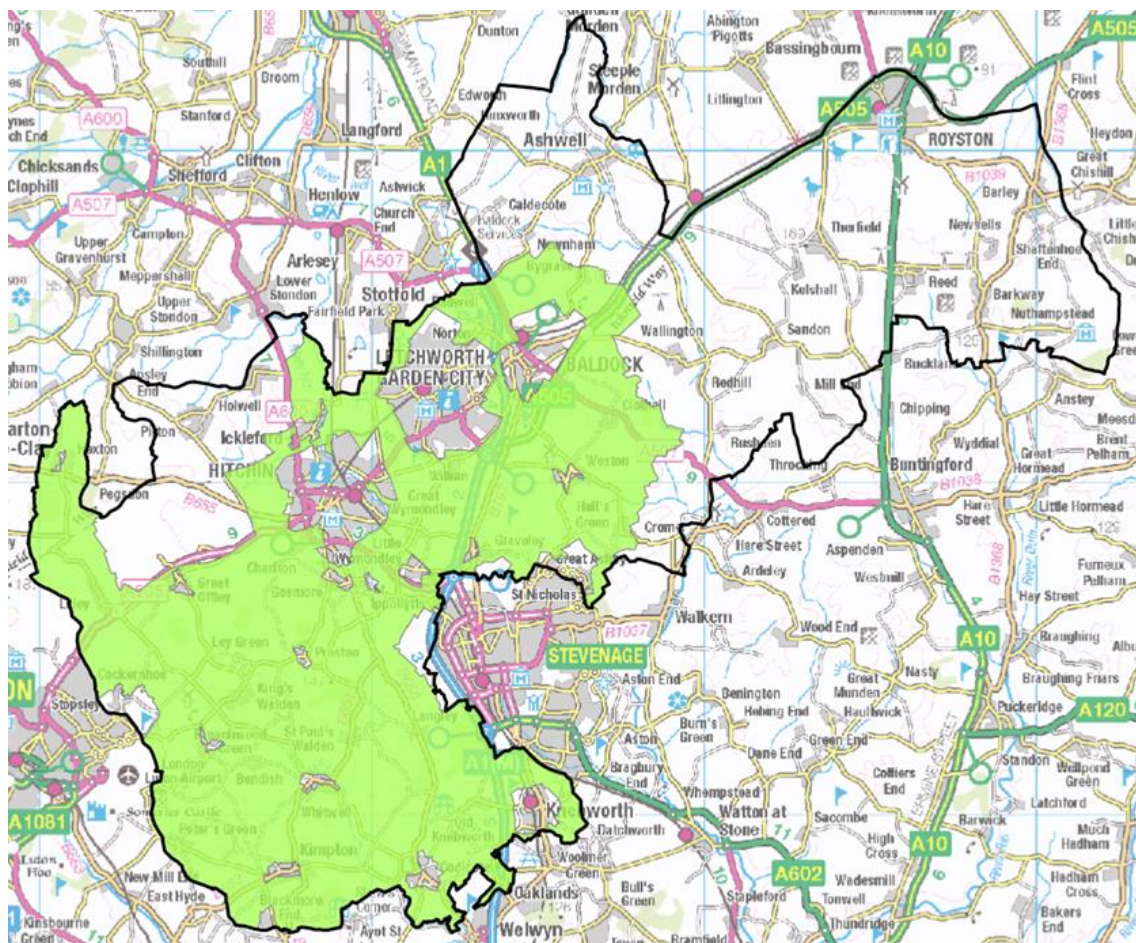


Fig 1 - Green Belt in North Herts

Footnote 7 (land excluded as grey belt) includes land relating to

- i. habitats sites (and those sites listed in paragraph 187) (a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites; and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites,

- potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites) and/or designated as Sites of Special Scientific Interest;
- ii. land 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;
 - iii. irreplaceable habitats;
 - iv. designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 74⁶) (Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets); and
 - v. areas at risk of flooding or coastal change

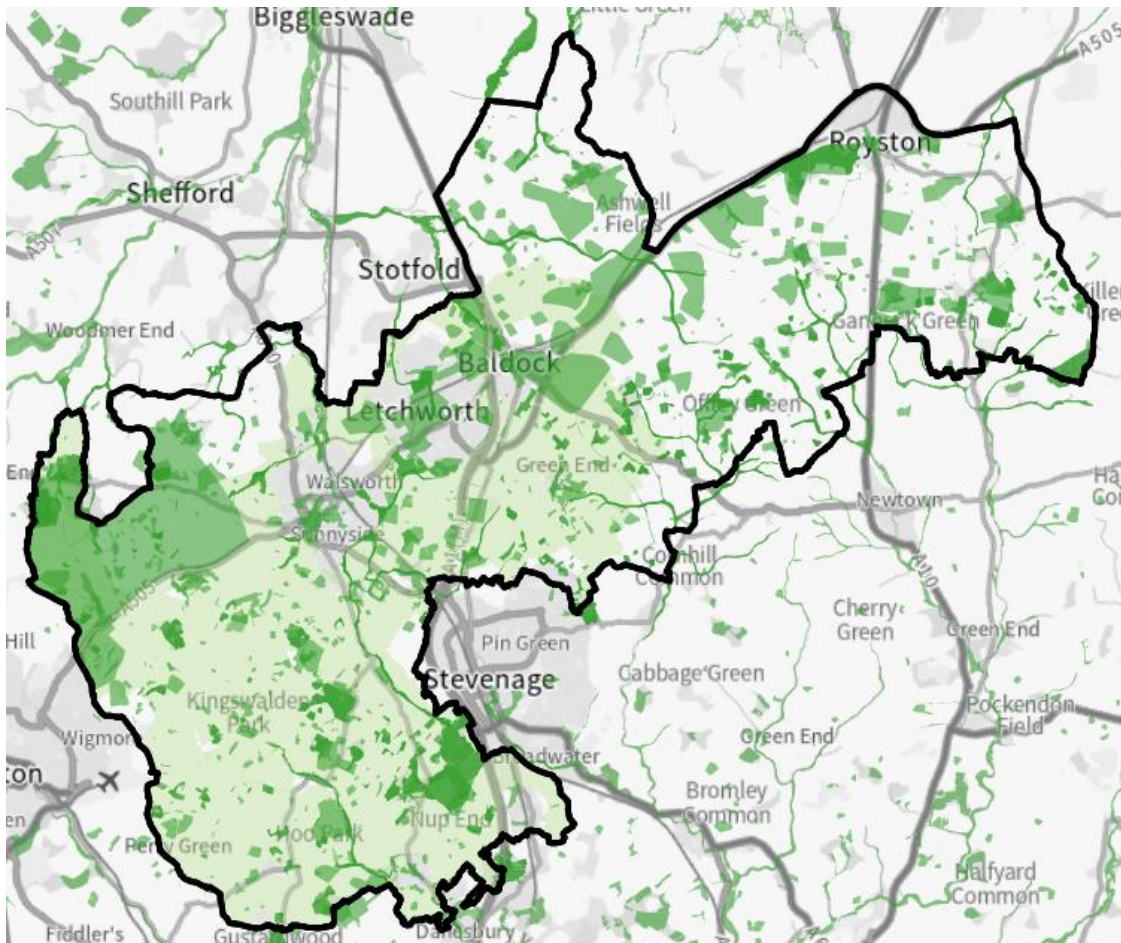


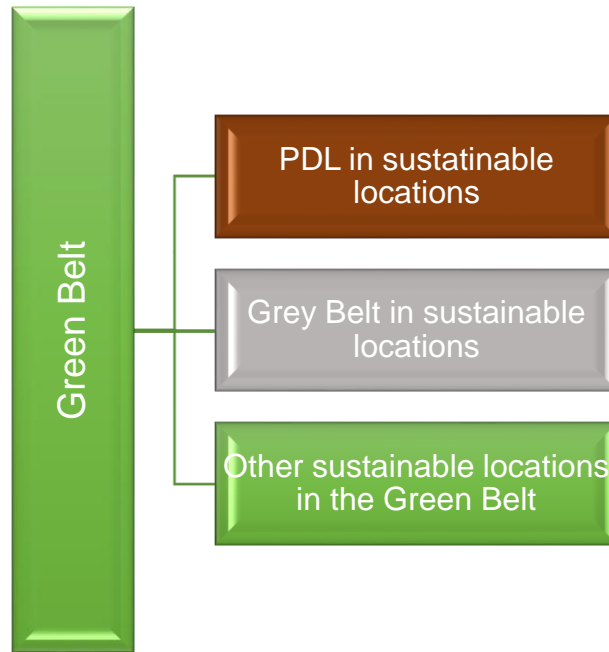
Fig 2 - Indicative areas relating to footnote 7 of the NPPF 2024 in North Herts

21. To clarify, Grey Belt refers to Previously Developed Land (PDL), and any other parcels/areas of Green Belt land that make limited contributions to

⁶ We believe this reference is incorrect and should reference footnote 73

criteria a – e but excludes any areas or assets, within those parcels/areas, relating to i – v.

22. North Herts, through the Local Plan Examination, identified one strategic parcel that made limited overall contribution to the Green Belt in the District, to the east of Weston.
23. In addition, the District is rich in assets of particular importance, including the Chilterns National Landscape (as shown in fig 2), including any future possible extension of it.
24. The consultation does seek views upon providing further guidance for judging whether land makes a limited contribution to the Green Belt including land that will
 - a) *Not strongly perform against any Green Belt purpose; and*
 - b) *Have at least one of the following features:*
 - i. *Land containing substantial built development, or which is fully enclosed by built form*
 - ii. *Land which makes no or very little contribution to preventing neighbouring towns from merging into one another*
 - iii. *Land which is dominated by urban land uses, including physical developments*
 - iv. *Land which contributes little to preserving the setting and special character of historic towns*
25. This raises the potential that areas of land that are ‘urban fringe’ might characterise Grey Belt even if a conventional Green Belt Review finds that a site performs ‘moderately’ against Green Belt purposes individually or as a whole. Meaning that we may need to reassess our Green Belt in the District in accordance with the above criteria, as part of the Local Plan update. How much land is defined as Grey Belt will depend on the guidance.
26. Paragraph 142 of the NPPF proposes that housing needs can expressly justify exceptional circumstances for Green Belt release. This means that if we are unable to meet our housing or commercial/employment requirements, we are mandated to review and consider altering our Green Belt boundaries. However, the expectation to meet need is subject to whether the Green Belt Review demonstrates that such alterations would ‘*fundamentally undermine the function of the Green Belt across the are of the Plan as a whole*’.
27. Paragraph 144 introduces a sequential approach to Green Belt release following the principles of sustainable locations on PDL > Grey Belt > Green Belt.



28. Paragraph 152 has been added to the NPPF, expanding the definition of development that is appropriate in the Green Belt to include *'Grey Belt land in sustainable locations'* and where LPAs cannot meet the 5YHLS, or fall below the 75% HDT threshold, or *'there is a demonstrable need for land to be released for development of local, regional or national importance'*.
29. However, paragraphs 155 – 157 of the updated NPPF complicates matters somewhat by introducing 'Golden Rules' that apply *'where major development takes place on land which has been released from the Green Belt through Plan preparation or review, or on sites in the Green Belt permitted through Development Management'*. What is not clear or defined is whether these 'Golden Rules' apply to sites released from the Green Belt as a consequence of previous versions of the NPPF.
30. These sites require
- a) *In the case of schemes involving the provision of housing, at least 50% affordable housing (with an appropriate proportion being Social Rent), subject to viability;*
 - b) *Necessary improvements to local or national infrastructure; and*
 - c) *The provision of new, or improvements to existing, green spaces that are accessible to the public. Where residential development is involved, the objective should be for new residents to 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'.*
31. The main issue for North Herts here is viability of affordable housing provision. Government funding regimes will need to alter to help make most schemes capable of delivering 50% affordable housing.

32. Annex 4 in the NPPF comes into play in seeking to define viability it proposes to define a national policy basis for adopting an Existing Use Value (EUV) plus a *'reasonable and proportionate premium'* when calculating benchmark land values (BLV) as part of viability assessments. However, a *'reasonable and proportionate premium'* is different to *'the minimum return at which it is considered a reasonable landowner would be willing to sell their land'* as defined in the current PPG⁷. This could result in
- A two-tier land market for Green Belt / non-Green Belt land if a BLV is set for viability assessments
 - Policy parameters are set so that where land is sold at a price above a nationally set BLV, policy requirements should be assumed to be viable
 - Where development complies with BLV and viability negotiation occurs to reduce policy compliant delivery. A late-stage review should be undertaken.
33. This means that BLV for Green Belt would be below other land, then LPAs and Homes England can use their Compulsory Purchase Order powers to ensure policy compliant schemes come forward.
34. This might incentivise LPAs to release Green Belt over other forms of land because in theory there is more land value to be captured from Green Belt than other sites. Or, if BLVs are set below what current viability assessments consider to be *'the minimum return at which a reasonable landowner would be willing to sell their land'* this may prevent land being brought forward.
35. Given land prices in the District, this is an element that is of great importance to North Herts and something we should consider carefully.

Strengthening obligations on cross-boundary working

36. The role of 'Duty to Co-operate' is strengthened in the 2024 NPPF with particular reference to infrastructure and climate resilience needing to be addressed through duty to co-operate. Paragraph 27 requires policies to be consistent where strategic issues are common *'unless there is a clear justification to the contrary'*.
37. Paragraph 28 directs LPAs to come to an informed decision on strategic matters, on the basis of the information available at the time, rather than delay until a full set of evidence is available from all parties, in the context of Plans coming forward at different times.
38. North Herts has good working relationships with our neighbours

⁷ [Viability - GOV.UK \(www.gov.uk\)](https://www.gov.uk) paragraph 013 Reference ID: 10-013-20190509

- Stevenage
- East Herts
- Luton
- Central Beds
- Uttlesford
- Welwyn Hatfield
- St Albans
- South Cambs

We continue to work with them on a regular basis to help deliver strategic matters across the local area. This is particularly true when working with Stevenage and Luton and the strategic housing sites in these areas of the District.

Economic growth

39. There are no significant changes to the policies on economic growth, however, LPAs are required to identify '*appropriate sites*' for the needs of the modern economy. Paragraph 84 b) makes reference to '*laboratories, gigafactories, data centres, digital infrastructure, freight and logistics*'.
40. Given the rural nature of the District and its proximity to Stevenage and Cambridge in particular, the District's place in the wider employment market is important for its identity.
41. However, additional guidance will need to be provided to accompany the NPPF to direct LPAs about estimating the future needs and demands for such modern economic development land. This guidance will need to reflect that, for many sectors, the drivers for demand are often mobile and influenced by factors such as grid connections that extend beyond Local Authority boundaries.

Other Changes

The principle of brownfield development

42. Paragraph 122 c) introduces an acceptance in principle for brownfield developments. This will help support development in North Herts on PDL within settlement boundaries.

Design

43. References to beauty and detailed descriptions of mansard roof extensions have been removed and replaced with more concise passing references.

Public services infrastructure

44. Paragraph 98 introduces significant weight for '*new, expanded or upgraded public service infrastructure*' boosting development with aligned public service providers.
45. There are also specific references to provision of early years and post-16 facilities.

Vision-led transport planning

46. With regard to transport planning, the NPPF 2024 is aspirational in its approach to sustainable transportation in allocations requiring the adoption of a '*vision led approach*'. This means that allocations could be required to consider changes in transport patterns and habits relating to modes of transport over the lifetime of the development, including innovations in public transportation and planning for the future redevelopment of parking facilities as they become redundant.
47. Paragraph 113 clarifies that refusals on highways grounds should be based on '*all tested scenarios*'. The question of what is a reasonable tested scenario is an area of debate but may be a powerful tool for unlocking schemes stalled by highway objections.

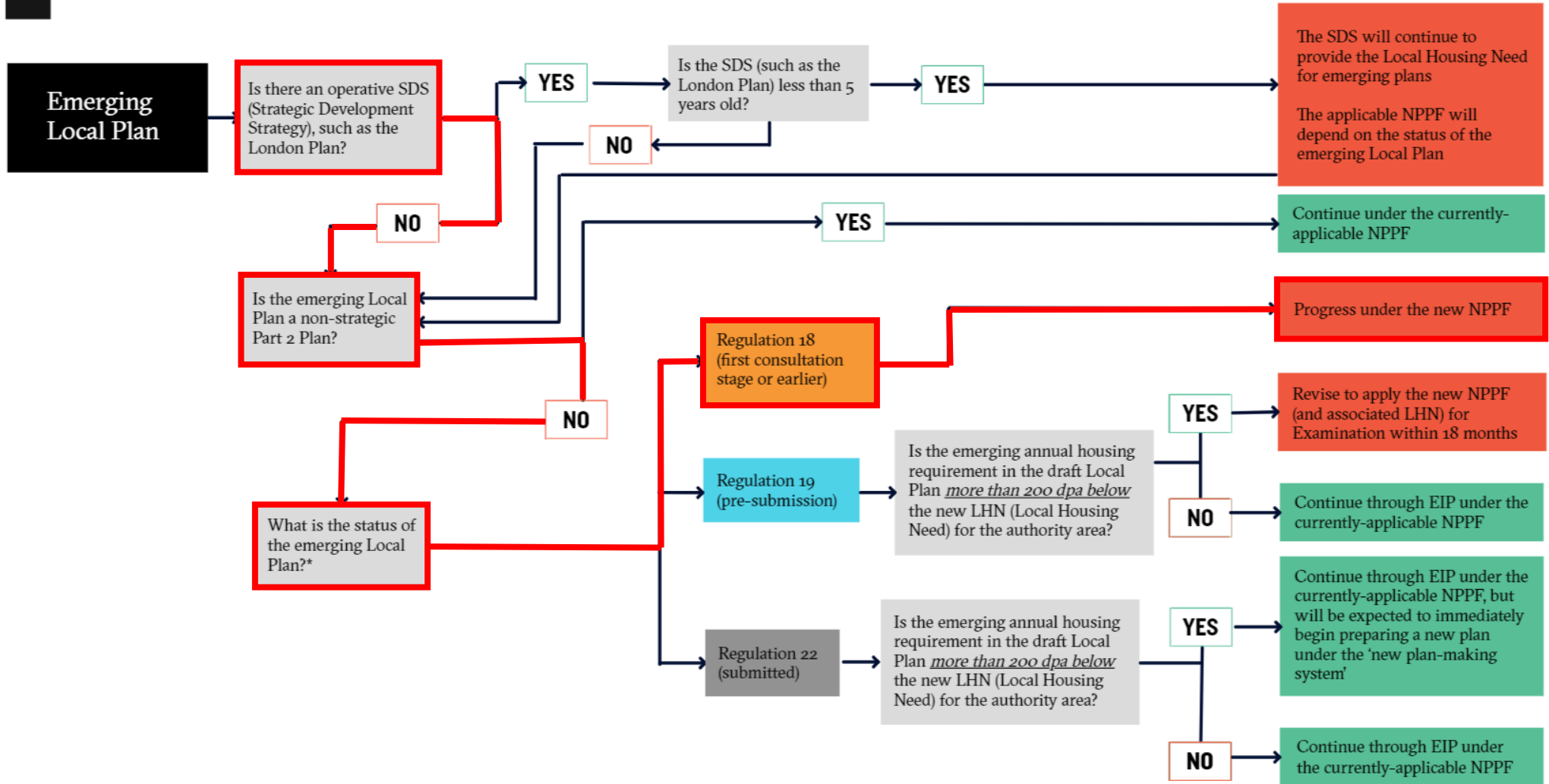
Renewable energy/low carbon development

48. Paragraph 161 b) requires LPAs to identify suitable areas for development of renewable energy and low carbon energy sources rather than simply considering identifying such areas.
49. This means that any future iterations of the Local Plan identifies sites in the District for such developments.
50. NPPF 2024 footnote 64 is removed in part only making reference to a sequential approach to any necessary development on agricultural land.

Transitional arrangements

51. The graphic below, courtesy of Lichfields, and adapted to show North Herts position, shows that the North Herts Local Plan update should progress under the arrangements of the new NPPF 2024 for plan-making.
52. The new plan-making system, however, has yet to be defined beyond the previous July 2023 consultation.

Application of the new NPPF for emerging Local Plans



*Based on the status of the Local Plan one month from the final publication of the NPPF

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