

Implications of Government changes to planning announced in December 2023 on planning in Portsmouth

What change	Para ref	Implications for PCC	Action(s) by PCC	Comments
Written Ministerial Statement				
'This Government is committed to building more homes; more quickly, more beautifully and more sustainably.'	n/a			Useful quote
'It is only through up-to-date local plans that local authorities can deliver for communities, protect the land and assets that matter most, and create the conditions for more homes to be delivered.'	n/a			Useful quote
'Planning is a noble profession and its role in making our communities work for every citizen is vital.'	n/a	Extra funding (see below re Planning Skills Delivery Fund)		Useful quote
'This complements the repeal of the duty to cooperate through the Levelling Up and Regeneration Act which will shortly come into effect.'	n/a	Confirms that the Duty to Cooperate ('D2C') will come to an end, but does not clarify what it will be replaced by.	Relevant to PfSH work	Useful for D2C statement and SCGs
Implementing the planning enforcement package in the LURA. This includes extending the time limits to take enforcement action, increasing maximum fines and reducing loopholes to appeal against enforcement action.	n/a	Enforcement actions could be made more stringent.	Enforcement team to address but no dates yet as to when these will be enacted.	
New consultation on Extension of Time agreements with the intention of constraining their use. The consultation will ask about banning them for householder applications, limiting when in the process they can apply and prohibiting repeat agreements.	n/a	Consider the impact this will have on Development Management ('DM') performance	Respond to consultation and action when/if the changes come in.	
Planning fees increased by 35% for majors and 25% for other applications December 2024	n/a	Increased income for PCC along with new funding		
180 local authorities awarded a share of £14.3 million from the first round of the Planning Skills Delivery Fund.	n/a	£100K for PCC but awaiting information on the funding agreement and any conditions.		
Three-month review into the wider statutory consultee system	n/a	Not known as yet	Not known as yet	Consider when published

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PINS to start reporting on Member decisions against officer recommendation and award costs to the appellants if no reasonable grounds for overturn	n/a		Make Members aware	
Issuing a direction to seven of the worst authorities in terms of plan-making, requiring them to publish a plan timetable within 12 weeks of the publication of the new NPPF – and should they fail, I will consider further intervention to ensure a plan is put in place.	n/a	PCC not one of the LPAs, but need to be aware	Make Members aware	Amber Valley, Ashfield, Basildon, Castle Point, Medway, St Albans and Uttlesford
Stripped two further LPAs of their planning powers for having too many decisions overturned at appeal, taking the total number of councils subject to the designation penalty up to three.	n/a	PCC not one of the LPAs, but need to be aware	Make Members aware	Fareham and Chorley join Uttlesford have been designated
New NPPF				
Reiterates Government commitment to local plans providing sufficient housing and other development but states this should be " <i>in a sustainable manner. Preparing and maintaining up to date plans should be seen as a priority in meeting this objective</i> " (new text).	1	Stresses importance attached to timely local plan preparation but the insertion of words <i>sustainable manner</i> gives an indication of a shifting approach to ensure a better balance of housing delivery with wider sustainability objectives.	To note	
References the WMS on Affordable Housing including First Homes	6	Confirms that First Homes are still part of Government policy	Note for consideration of Emerging Portsmouth Local ('PLP') Plan First Homes policy	
Further new text on achieving sustainable development, through " <i>provision of homes. Commercial development and supporting infrastructure in a sustainable manner</i> "	7	Similar to above.		

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Presumption in favour of sustainable development for decision taking – a small but important change gives an alternative way of demonstrating adequate supply and avoiding the presumption. This currently applies where a local authority cannot demonstrate a five year supply, and new wording appears in footnote 8 referring to a four year supply, of deliverable housing sites, as detailed in paragraph 226, with a buffer as applicable. Also see para 77.	11	PCC will match this categorisation on Pre-Submission i.e. May 2024.		
Changes the rules on the presumption in favour of sustainable development for neighbourhood plans	14	Not relevant to PCC as our only neighbourhood plan does not include allocations.	None	
Requires strategic policies to ensure outcomes support beauty and placemaking	20	Increased importance of beauty in policy making	Ensure emphasis on 'beauty' in PLP design policy	
Not a change but interesting to note that the Duty to Cooperate paragraphs remain unchanged blind of the LURA having omitted it.	24-27	Relevant to current D2C discussions	To note	
The objective to significantly boost the supply of housing remains but is tempered by new additional wording that states “ <i>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</i> ”.	60	Useful for PLP which in line with Government policy will be seeking to meet as much of the City need as possible	Useful words for supporting text and Topic Paper	
Local housing needs assessments should still be conducted using the standard method, but the updated Framework states that “ <i>the outcome of the standard method is an advisory starting-point for establishing a housing requirement</i> ” and sets out exceptional circumstances.	61	Making the standard methodology number the advisory starting point supports the PLP's capacity based target falling below identified need due to land availability, constraints and development capacity along with its housing mix and specific housing for specific groups policy.	Useful words for supporting text and Topic Paper	

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New paragraph outlining the uplift incorporated to the standard method for certain cities and urban areas - the PPG provides detail on these centres, which are the top 20 cities in the country using ONS population ranking and does not include Portsmouth	62	Portsmouth is not in the top twenty but is just outside.	None	
Minor changes to wording on establishing need where it relates to different groups - specifically where it relates to older people - now states retirement housing, housing-with-care and care homes.	63	The Council's HEDNA Dec 2023 adequately assesses need of specific groups and informs LP policy.	None	
Confirms the requirement for affordable housing provision on Previously Developed Land ('PDL') where vacant buildings are being reused or redeveloped so that the affordable housing contribution is reduced. Footnote 31 defines this reduction as 'equivalent to the existing gross floorspace of the existing buildings.'	65	This will impact on the delivery of affordable housing on our PDL sites, which form the bulk of our developments coming forward.	Consider reference to Vacant Building Credit in Emerging PLP Policy	
Changed (clarified) wording re specific deliverable sites for the five years of the plan period following adoption (changed from years one to five of the plan period with no reference to adoption date)	69a	PLP housing policy needs to be consistent with this	Check draft policy	
Changed to "specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period". The NPPF previously referred to years 6-10 and where possible for years 11-15. This is primarily for clarification	69b	PLP housing policy needs to be consistent with this	Check draft policy	
Re-emphasises the importance of small and medium sized sites, added mention of permission in principle, alongside area-wide design assessments and LDOs as tools to help bring forward these sites. Also emphasises the role of community led development and self-build in bringing forward small sites	70c	PLP housing policy needs to be consistent with this	Check draft policy and Monitoring chapter	
Changes on development of rural exception sites where it relates to community led development.	73	Not relevant to PCC	None	

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Introduces the carrot to incentivise plan making of LPAs no needing to prove a 5YHLS if their adopted plan is less than five years old; and that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.	76	Big incentive for PCC to move its plan forward	Emphasise to Members	
References the new category for a four year HLS and requires a 20% buffer when there has been significant under delivery in the previous three years.	77	PCC will match this categorisation on Pre-Submission i.e. May 2024.		
Introduces a new category of LPAs who only have to prove a four year HLS. This category ends December 2025. It applies to LPAs with a local plan that has at least reached Reg 18 and includes a Policies Map and housing allocations. It will be measured against the standard methodology need for LPAs with out of date plans.	226	PCC will match this categorisation on Pre-Submission i.e. May 2024.	We will need to work out if we can prove a four year HLS based on our figure of 899. Propose that this is based on our April 2024 completions/permissions figures agreed with HCC in autumn. Suggest that we publish this in our Housing Action Plan in September.	
Where the provisions of para 76 are not met i.e. no LP adopted in the last five years with an identified 5YHLS, an LPA can confirm a 5YHLS through an annual position statement, meeting criteria a. and b. (which are unchanged to previous NPPF)	78	Presumably this will be done through our Housing Delivery Test (HDT) Action Plan.	Check that this requirement is the same as our Housing Delivery Test Action Plan	
Updates to wording on the consequences of Housing Delivery Test indicating that delivery has fallen below the LPA's housing requirement over the last three years, in summary: a. Delivery below 95% of requirement over previous 3 years, action plan assesses causes of under-delivery and actions; b. Delivery below 85% of requirement over previous 3 years, 20% buffer to be applied to identified supply of specific deliverable sites; c. Delivery below 75% of requirement over previous 3 years, presumption in favour of sustainable development applies as	79	Our Housing Delivery Test Action Plan 2024 will need to comply with these rules	Consider when preparing the 2024 Housing Delivery Test Action Plan	

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per footnote 8 of the Framework, in addition to an action plan and 20% buffer.				
The HDT results apply from the day following publication	80	Our HDT Action Plan 2024 will need to comply with these rules	Consider when preparing the 2024 Housing Delivery Test Action Plan	
Requires new commercial buildings in the countryside to be beautiful	88	Not applicable to PCC, but worthy of note in terms of this Government's priorities		
Healthy, inclusive and safe places changed to also insert 'beautiful' buildings. Changed wording from 'attractive', well-designed, clear and legible pedestrian and cycle routes to 'beautiful' ...	96 and 96(b)	Check infrastructure policy references beauty and where any references of attractiveness should be changed to beautiful		
New words on allowing mansard roofs on suitable properties and definition added to the glossary	124e & glossary	None	None	
Dilutes the words on resisting significant uplifts to residential densities, which are out of character with the existing area. Not only does it have to be wholly out of character but it needs to be evidenced through an adopted LPA wide design code.	130	Density zones and areas suitable for tall buildings are identified in the PLP in policies PLP1 and PLP21.	Check the policies and supporting text and ensure that they are compliant with the NPPF.	
Greater clarity required on design requirements in planning conditions: 'Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development and are clear about the approved use of materials where appropriate. This will provide greater certainty for those implementing the planning permission on how to comply with the permission and a clearer basis for local planning authorities to identify breaches of planning control.'	140	Review system of setting conditions	DM to review and action as necessary	
Removes the requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated.	145	Although there is no Green Belt in Portsmouth it is worthy of note as it means that LPAs with green belts will not need to review their	To note	

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		boundaries in order to meet housing need. This will reduce long term delivery of housing and make the 300,000 target for new homes impossible to achieve.		
Inserts reference to LPAs supporting energy efficiency and low carbon heating improvements including to using heat pumps and solar panels.	164	Need to update policy PLP33	Policy PLP 33.4 and supporting text added in para 8.70	
Requires a balanced judgement on application that impact on non-designated heritage assets whether direct or indirectly.	209	A minor tweak, but will need to address in planning applications	Case officers to be mindful of change	
Local Plans that reach pe-submission after 19 March 2024 will need to comply with the 2023 NPPF	230	The PLP will be examined under the new NPPF	Ensure PLP is consistent with the new NPPF.	
New definition of 'community-led development.'	Glossary	To note	Add to PLP glossary	
Deletes the publication of the Housing Delivery Test in November	Glossary	Confirms that the HDT will not be published on a regular basis	To note	
Government response to 2022 consultation				
26,072 responses received including 226 from the 'mansard roof campaign'	11	None	To note	
LPAs no longer have to demonstrate a deliverable 5YHLS for the first five years after a LP is adopted as long as its 5YHLS was identified at the time the examination concluded	Q1	Incentive to get PLP adopted	Increased importance of proving our 5YHLS in the PLP	
Changes to the buffers for the 5YHLS. Removal of 5 and 10% buffers and retention of the 20% buffer for the HDT.	Q2	The 20% buffer applies to PCC due to our low score n the HDT	Check PLP housing figures	
Over-supply can be taken into account when calculating 5YHLS	Q3 & Q4	Not currently relevant to PCC as there has not been over-supply in recent years	None	
Protects NDPs for 5 years along with LPs on speculative housing applications	Q5	No NDPs in Portsmouth with new allocated housing sites	None	
New words to para 7 of NPPF about the provision of homes, business premises and infrastructure	Q6	To note	None	
Various changes to housing policies and a commitment to review the use of the 2014 based household projections in 2025.	Q7	The HEDNA found the 2014 projections to be inflating housing need in Portsmouth. Interesting	Keep under review	

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		to note and the call for more up to date projects to be used		
New text in policy (para 61) to be clear that the outcome of the standard method is an advisory starting-point when establishing housing requirements through plan making. Gives specific but non exhaustive examples of LPAs where there may be exceptional circumstances.	Q8	Supports are approach to housing need and requirement	New words added to housing chapter	
Green belt boundaries do not need to be reviewed or altered when making plans (para 145 NPPF).	Q9	See comments above	To note	
The 'justified' test of soundness to be retained	Q11 & 12	The PLP will be considered against unchanged tests of soundness i.e. positively prepared, justified, effective and consistent with national policies	To note	
Retains the urban uplift in the 20 named cities except where there are voluntary cross boundary redistribution agreements or it would conflict with national policy. Introduces the Joint Spatial Development Strategy to all LPAs outside London, but no further details. Useful words to quote: 'It is important that we take advantage of opportunities to locate new development in the most sustainable locations where we can maximise use of existing infrastructure and help reduce the need for high-carbon travel. The uplift in need within our biggest cities and urban centres in England also supports our wider objectives of regenerating brownfield sites, renewal and levelling up.' Also interesting feedback on bringing back strategic regional/sub-regional planning. Several said that the uplift was 'arbitrary and unevidenced.'	Q13, 14 & 15	Clear Government intention to meet housing need in cities and urban areas.	To note	
Introduced transitional arrangement for emerging plans to only be required to demonstrate a 4 year rolling land supply (paras 76, 77 & 226 of NPPF)	Q16	PCC will match this categorisation on Pre-Submission i.e. May 2024.	See comments above	
Will not bring in transitional arrangements for LPs submitted before 2019	Q17	Not relevant to PCC	None	

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The proposed permission based test as part of the HDT will not go forward due to operability challenges	Q18, 19 & 20	To note	None	
No changes to the consequences of the HDT results	Q21	To note	None	
No immediate changes homes for social rent will be considered in future updates to the NPPF	Q22	To note	None	
New words on supporting older people's housing (NPPF para 63).	Q23	See above	See above	
New words on supporting small sites coming forward through community-led housing, self-build and custom build	Q24&25	Review housing chapter	Add community-led housing to the Housing chapter and glossary	
Future possible changes on the definition of affordable housing for rent	Q26	To note	None	
Raised the issue of taking past behaviour into account when determining applications. No change now but will consider in the future	Q31&31	To note	None	
Raised the issue of build out rates and penalties. No change now but will consult in the future	Q32	To note	None	
Additional use of 'beautiful' in the NPPF. Interesting feedback that 'beauty is subjective and therefore difficult to define and apply practically in the planning process.' The Government response is that this is high-level statement of ambition rather than a policy test and government would encourage local planning authorities, communities and developers to work together to decide what beautiful homes, buildings and places should look like in their area, which should be reflected in local plans, neighbourhood plans, design guides and codes. Increased use of the word in NPPF.	Q33&34	Consider for Design Policy	Pragmatic review of PLP design policy and supporting text.	
Greater visual clarity required on design requirements (NPPF para 14)	Q35	See above	See above	
Recognises the importance of mansard roofs as an important source of housing supply (NPPF para 124e)	Q36	None	None	
The Government will explore how small-scale interventions for nature can be promoted in the NPPF	Q37	None	None	

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The availability of agricultural land should be taken into account when deciding on what sites are most appropriate for development (footnote 62 of NPPF)	Q38	Although Portsmouth doesn't have any agricultural land this is an other element of protecting the countryside from development alongside the tightening of Green belt policies.	None	
The Government will look long term at carbon assessments, but no immediate changes	Q39	Exemplifies the Government's lack of urgency in regard to the climate emergency	None	
The Government will look long term at climate change adaptation, but no immediate changes	Q40	Exemplifies the Government's lack of urgency in regard to the climate emergency	None	
Minore changes were made in September 2023 re onshore wind (NPPF paras163 & footnote 57)	Q41, 42 & 43	Exemplifies the Government's lack of urgency in regard to the climate emergency	Check Policy PLP34 is consistent	
New words on adaptions to buildings to improve energy efficiency (NPPF para 164)	Q44	Encourages energy efficiency measures in development including that involving heritage assets	New words added to Climate Emergency chapter	
Confirms the dates of 30 June 2025 for submission of local plans and 'in general' the date of 31 December for adoption as deadlines	Q45	Major driver for the PLP and one that we should be mindful of going forward. Note the helpful use of the words 'in general' for the adoption deadline. This will be useful for PCC in regard to the derogation tests	Keep progressing the PLP in a timely fashion	
Confirms Government intentions to get the regulations, policies and guidance in place by autumn 2024 to enable the preparation of the first new-style local plans. The deadline is contingent on parliamentary approval of the relevant regulations	Q46	As we are preparing an old-style plan the transitional arrangements are not relevant to PCC	To note	
Confirms the deadline of 30 June 2025 for submission of neighbourhood plans	Q47	No new neighbourhood plans currently under preparation in Portsmouth	To note	

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SPDs to remain in force until LPAs adopt a new style local plan	Q48	As PCC is progressing under the new system we will keep our SPDs until we adopt a new plan under the new system which is unlikely to be before 2030. This is good news for the longevity of our SPDs	To note	
Existing national DM policies in the NPPF will be the starting point for preparing an initial suite of national DM policies for consultation	Q49-52	To note	To note	
Various Government initiatives on levelling up such as the Freeports Delivery Roadmap	Q53 & 54	To note	To note	
The Government will look long term at changes to increase development of brownfield land in city and town centres, but no immediate changes	Q55	To note	To note	
The Government will look long term at changes to the NPPF to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public space, but no immediate changes	Q56	To note	To note	
The Government will strive to make changes to the NPPF and the new NDMP to be plain and concise	Q57	To note	To note	
Interesting that many respondents raised intergenerational unfairness, suggesting proposals included in the consultation will reduce housebuilding and this will disproportionately affect young people. The Government responded that the policy changes, as implemented, will not have a significant adverse impact on housing supply in the short term. As such, the changes are not expected to have a negative impact on individuals, or groups of individuals with protected characteristics, who typically are more likely to be impacted by the challenge of access to affordable housing.	Q58	It is obvious that the national changes noted above, such as not needing to review green belt boundaries, will have an adverse impact on housing supply. This will result in several types of inequality including intergenerational inequality.	To note	

[Updated Planning Policy for Traveller sites](#)

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Re-defines G&T to include those who have ceased to travel temporarily or permanently for educational, health and age grounds.	Glossary	Need to consider new definition for any G&T applications.	Draft GTAA is being reviewed by ORS. Review draft policy PLP24 and supporting text. Also change the definition in the Glossary.	In response to the Lisa Smith case
Housing Delivery Test 2022 results				
League table published setting out net homes delivered over three years (19/20,20/21,21/22) compared to net homes required over the same period	n/a	The HDT measurement for Portsmouth was 38% and the consequence is that the presumption in favour of sustainable development applies	We will need to apply the presumption in favour of sustainable development in our decision making and prepare a HDT Housing Action Plan	
Planning Skills Delivery Fund				
PCC has been awarded £100,000		From the website: The programme will provide funding for successful applications up to the value of £100,000 per local authority. Local authorities are expected to provide regular progress updates to DLUHC, where appropriate, to help DLUHC monitor the progress and impact of the funding. Successful authorities will also be invited to participate in a learning programme to help identify useful, practical solutions that could be shared with a wider cohort of local authorities. For local authorities with backlog funding, the learning programme would focus on the issues that led to the backlogs, the interventions applied and how		Funding Agreement still await from Government to enable restrictions and opportunity for this spending

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		to avoid this reoccurring. For local authorities with skills funding, this would focus on how planning teams have learnt from the specialist resources and retained that knowledge to ensure that the fund has impact and that learning is disseminated among other local authorities.		
Planning - Local Energy Efficiency Standards Update - Written Ministerial Statement				
<p>Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:</p> <ul style="list-style-type: none"> • That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework. • The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP). 	n/a	Although we have declared a Climate Emergency, we won't be able to set higher standards for energy efficiency.	Policy PLP33 to be updated and let Members know the reasons	
Nutrient Neutrality and Local Nutrient Mitigation Fund update				
		£12 Million in funding received by the PfSH authorities	PfSH has outlined a scheme of sites that would be suitable to develop to enable the delivery of nutrient offsetting in the Solent. Supporting text added to policy PLP44.	