

The Department for Levelling Up, Housing and Communities published a number of announcements and documents in December 2023. Officers have conducted a high-level review of key changes to note any implications for the Richmond Local Plan,

- **NPPF Update (19 December 2023)**

The NPPF while effective immediately sets out at Annex 1 that plans that reach pre-submission consultation on or before 19 March 2024 will be examined under the relevant previous version of the Framework. The Soundness and Legal Compliance Self-Assessment Checklists which are submission documents have been considered substantially against the September 2023 NPPF, as well as all the other submission documents. However the key changes are considered below.

Para number (December 2023)	Key changes to the NPPF (December 2023)	Implications for submission of Richmond Local Plan
61	Aims to facilitate flexibility for local authorities in relation to local housing need, clarifying that the outcome of the standard method is an advisory starting point, noting any assessment will be subject to examination as usual.	No implications – Standard method is set out as providing a starting point in paragraph 17.3 of the Publication Local Plan.
61	More explicit indications are given of the types of local characteristics which may justify the use of an alternative method of assessing housing need.	No implications for this submission – Will impact future Local Plans in the Borough.
145	Removes the requirement on a local authority to review or alter its Green Belt boundaries unless it chooses to do so.	No implications for this submission – the Open Land Review did not identify any change to Green Belt boundaries. Will impact future Local Plans in the Borough.
130	Clarifies that there may be situations where higher densities would be wholly out of character with the existing urban area, and that this could be a strong reason why significantly uplifting densities would be inappropriate – applying where character is evidenced through a design code which is adopted or will be adopted as part of the local plan.	No implications for this submission – Publication Plan is supported by an Urban Design Study which assesses the characteristics of the Borough and sets out design guidance. The submission Local Plan makes a commitment to consider further supplementary planning documents or toolkits to inform design expectations across the Borough.
76	Removes the requirement for authorities to demonstrate a five-year housing land supply on an annual basis, where an up to date (less than five years old)	No implications for this submission – Will impact future local Plans in the Borough.

	local plan is in place that contained a deliverable five-year supply of land at its examination.	
77	Removes the 5% and 10% buffers that could be applied to five-year housing land supply, and maintains the 20% buffer only for those authorities that do not have an up-to-date plan in place and score below 85% on the Housing Delivery Test.	No implications - Richmond Local Plan sets out the results of the Housing Delivery Test for the Borough from 2018-2021 at paragraph 17.11 of the Local Plan. In the 2022 Housing Delivery Test, delivery fell below 95% of the requirement over the previous three years, see below. The Council will prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years. The Council has recently produced a Housing AMR for 2022/23.
14 a)	Increases the level of protection from the presumption afforded by neighbourhood plans from two to five years post adoption, provided they identify at least one housing site.	No implications for submission – only one neighbourhood Plan adopted in the Borough (Ham and Petersham Neighbourhood Plan) which includes a range of policies and proposals, including for new housing in the area.
63	Gives additional support to the delivery of self-build, custom-build and community-led housing and encourages the delivery of older people's housing, including retirement housing, housing-with-care and care homes.	No implications for the submission of the Plan – Policy 12: Housing Needs of Different Groups supports this.
20	Emphasises the role of beauty and placemaking in strategic policies.	No implications for the submission of the Plan – Whilst there are no explicit references to beauty, good design is supported through Policy 44: Design Process and placemaking is delivered through the Area Strategies.
164	Provides greater support for energy efficiency measures through requiring decisions on planning applications to place significant weight on the need to support energy efficiency improvements to existing buildings.	No implications for the submission of the Plan – Policy 3: Tackling the Climate Emergency (Part D) and Policy 4: Minimising Greenhouse Gas Emissions and Promoting Energy Efficiency support this.
70	Sets out that Councils should use policies and decisions to support small sites for community-led housing and self-build and custom build housing, and makes a new reference to permissions in principle as a way to enable this.	No implications for the submission of the Plan – Policy 16: Small Sites supports this. As referenced in paragraph 17.37 of the Publication Local Plan, the Council has been granted an exemption by Government from the duty to permit enough serviced plots of land to meet the demand for self-build and custom housebuilding.

73	Drops the previously existing “entry-level exception sites policy” and replaces it, with an exception site policy for community-led housing.	No implications for the submission of the Plan – Policy 12: Housing Needs of Different Groups and paragraph 17.37 address this.
Glossary	Includes a new definition of ‘community-led development’ in the glossary.	No implications for the submission of the Plan.
77	Local planning authorities can include historic oversupply in their five-year housing land supply calculations.	No implications for the submission of the Plan – Richmond meets their five-year housing land supply requirements currently.
226	Some authorities with emerging local plans will benefit from a reduced housing land supply requirement.	Not applicable as due to submit imminently. Transitional paragraph added, due to the stage of plan-making, we would only need to demonstrate four-years housing land supply.
62	States that the 35% uplift to the assessed housing need should be accommodated within those cities and urban centres themselves, except where there are voluntary cross boundary redistribution agreements in place.	No implications for this submission – only applicable once the next London Plan is taken forward.
140	Authorities are encouraged to use planning conditions to require clear details of a scheme’s design and materials.	No implications ahead of submission – implications for decision-making.
124	Promotes mansard roof extensions.	No implications for the submission of the Plan - good design is supported through Policy 44: Design Process and placemaking is delivered through the Place-based Strategies.

- **Update to [Planning policy for traveller sites](#) – Annex 1 (19 December 2023)**

Following the judgment in the Court of Appeal in the case of Smith v SSLUHC & Ors, the Government has reverted the definition of Gypsies and Travellers used in the Planning Policy for Travellers Sites to that adopted in 2012, with this change applying from 19 December 2023 for plan-making.

The Council’s Research on Gypsies and Travellers (2023) sets out at paragraph 4.15 that while the survey included questions about travelling habits, in light of the Court of Appeal case it was not considered appropriate to exclude the needs of those who had ceased travelling from consideration.

- **[Written Ministerial Statement: Planning - Local Energy Efficiency Standards Update](#) (made on 13 December 2023)**

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.

The NPPF sets out that strategic policies should make provision for planning measures to address climate change mitigation and adaptation, which with duties on local planning authorities and requirements from the London Plan, set the expectation for climate change to be addressed. The Council has adopted a Climate Emergency Strategy, and the Plan sets out ambitious aims and targets. This includes going beyond Government and London Plan requirements. This is considered justified by the borough's constraints and types of development, with a reliance on small sites, impact of the borough's location in London and with the River Thames running through the borough. Consultation responses during the preparation of the Plan included some support for addressing climate change, although also recognising tensions with other policy areas such as the historic environment (for example options for retrofitting listed buildings are limited by policies protecting heritage assets), and development concerns about cost implications. The Net Zero Carbon Study has been undertaken to specifically address the feasibility/deliverability of the Council's approach, and focus on the types of sites envisaged coming forward, and where policies go beyond London Plan requirements, report on the ability to enhance the environmental performance of buildings, linking with the Whole Plan Viability Assessment.

- **Publication of the results of the [2022 Housing Delivery Test](#)**

As housing delivery now falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years. The Council has recently produced a Housing AMR for 2022/23. The Housing Delivery Background Topic Paper submission document is a useful stepping stone setting out the Council's position on housing delivery, and the Council is committed to working up an action plan by June 2024.