

Equality analysis for the NPPF Prospectus proposals

This document records the ongoing analysis undertaken by **Department for Levelling Up, Housing and Communities** (DLUHC) to fulfil the requirements of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. This requires the department to pay due regard to the need to:

1. eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Act
2. advance equality of opportunity between people who share a relevant protected characteristic and those who do not
3. foster good relations between people who share a relevant protected characteristic and those who do not.

The protected characteristics which should be considered are:

- age
- disability
- sex
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation.

Please note that in relation to the protected characteristic of marriage and civil partnerships, the department is required to have due regard to this only in relation to the first point in the first paragraph above.

SECTION 1

1.1 Policy/Service

The Levelling Up and Regeneration Bill (LURB) was introduced to Parliament in May 2022 and provides the framework for changes to the planning system. The Levelling Up and Regeneration Act (LURA) received Royal Assent on 26 October 2023. Complementing the legislative framework is the National Planning Policy Framework (NPPF).

The NPPF was introduced in 2012 to consolidate the government's planning policies for England. It provides a framework within which locally prepared plans are produced, and also contains national policies to be taken into account when dealing with planning applications. When a local authority brings forward a plan, they have a statutory duty to have regard to national policies and the NPPF is therefore drafted with the expectation that plans will be consistent with the policies contained within it. The NPPF should also be read in conjunction with the government's planning policy for traveller sites (PPTS), and its planning policy for waste. When preparing plans or making decisions on applications for these latter types of development, regard should also be had to the policies in the NPPF, where relevant.

The NPPF was last updated in September 2023, and the PPTS updated in December 2023, and the changes considered below will add to these latest updates. However, the changes proposed by the LURA will require further review of planning policy, both to support our ambitions to deliver better outcomes for communities through the planning process, and to reflect specific measures contained in the LURA.

Consultation on the NPPF

The scope of this PSED falls on sections of the consultation document (the Prospectus) that were consulted on in December 2022 and the immediate changes to the NPPF that DLUHC is making, as set out in the updated published version of the NPPF and detailed in the associated government Response. Some of these changes could have differential impacts on protected groups – these potential impacts are outlined in this document. The immediate changes consulted on and covered by the PSED are those which focus on housing supply, energy efficiency, and design. The analysis below is ongoing, having been updated in light of relevant consultation responses and other considerations. Any further measures in the NPPF Prospectus will be subject to further PSED considerations in due course, and all measures will be kept under review as regards impacts pursuant to the duties outlined above.

SECTION 2

2.1 Summary of the evidence considered in demonstrating due regard to PSED

On the 2 February 2022, DLUHC published the levelling up white paper¹. The white paper

set out how the government will spread opportunity more equally across the United Kingdom (UK). The white paper included a range of statistics and data demonstrating the inequalities across the UK.

For the purposes of this NPPF PSED the most relevant data from the white paper is for those most likely to be impacted by changes in housing supply or an impact on energy costs. This includes:

- Unemployment is highest among minority ethnic groups. In 2019 unemployment was 4% among white people and 7% among minority groups combined. For people aged 16 to 24 the gap was more pronounced, with rates of 10% and 19% respectively. Black African and Bangladeshi ethnic groups had the highest rates of youth unemployment, at 26% and 24%².
- People from Pakistani and Bangladeshi ethnic groups are over three times as likely as white British people to live in the most income-deprived 10% of neighbourhoods, therefore they are more likely to be unemployed³.
- Some minority ethnic groups are more likely to live in overcrowded housing. 2% of white British households were in overcrowded households in 2019 compared to 24% and 18% for those from Bangladeshi and Pakistani backgrounds⁴.

Housing affordability, quality and ownership:

Planning is only one factor affecting housing outcomes, but the government has – over a period of time – collected data on the housing experience of different households. There are some differences in the demographics of household ownership (older people are more likely to be homeowners) and overcrowding (people from minority ethnic households are more likely to live in overcrowded households). Younger adults, people from minority ethnic backgrounds, and those on low incomes are more likely to experience housing affordability problems:

- There are nearly 24 million households in England. Owner occupation is the largest tenure group, with 15.4 million households, representing 65% of all households. The private rented sector accounted for 4.4 million or 19% of households. The social rented sector, at 4.0 million households (17%), is the smallest tenure⁵.
- In 2019-20 owner occupiers (who have an average age of 58 years old) were more likely to be satisfied with their accommodation, tenure, and local area than private or social renters⁶.
- Home ownership is more common amongst households led by someone who is Indian, White, or Pakistani (67%, 66% and 60% of households respectively). Households led by someone who is Black are least likely to be owner occupiers (29%)^{xvii}. Overcrowding is more prevalent in minority ethnic households. While making up one in ten owners, minority ethnic households account for nearly half of all overcrowded owner-occupied homes (45%)⁷. People in overcrowded homes had a lower life satisfaction score than those in homes that were not overcrowded.
- A higher proportion of all minority ethnic groups have higher relative housing costs (11–23%) than white British people (6%)⁸.
- Younger age groups are more likely to have a housing affordability problem. A total of 14% of people in both the 16–24-year-old and 25–34-year-old age groups spend more than a third of income on housing costs, compared with 11% of 35–44-year-olds and 7% of 45–54-year-olds⁹. This is partly due to older working-age groups tending to have higher incomes and being more likely to have lower housing costs because they own their homes.

- Poor housing quality, overcrowding and a reliance on temporary accommodation for vulnerable families also contribute to unnecessarily poor health and quality of life for many. Poor housing quality is affecting an increasing number of people aged in their 50s and 60s¹⁰. Disproportionate numbers of people from some minority ethnic groups live in damp housing. Mixed white and Black Caribbean (13%), Bangladeshi (10%), Black African (9%) and Pakistani (8%) households were all much more likely to have damp problems than white British households (3%)¹¹.
- 34% of all households in England have at least one member with a long-term illness or disability. This compares with 11% of recent first-time buyers that have at least one member of household with long term illness or disability. The social rented sector has a higher prevalence of households containing someone with a disability or long-term illness than the private rented sector. Within private renting households, those with a disability were four times less likely to expect to buy a home than other households, while those in the social rented sector were five times less likely.
- Only 33% of all mortgaged owner occupiers are women, with the majority of social renters being women (58%), and about 40% of private renters being women^{xvi}. In all other tenures, the sex representations compared to all households is much closer.
- Our council tax data provides information on the total number of properties. This shows that as at 31 March 2022, there were 25,114,150 properties in total. Of these, 115,270 were caravans, houseboats or mobile homes.
- In July 2023, the total number of traveller caravans in England was 25,220, an increase of 206 (121 per cent) compared to the July 2022 Count. Of these, 6,558 were on authorised socially rented sites; 15,131 were on authorised privately funded sites; There were 3,531 unauthorised caravans reported in the July 2023 count, a decrease of 91 (3 percent) since July 2022. Of these, 2,920 were unauthorised developments on land owned by travellers; and 611 were unauthorised encampments on land not owned by travellers. Overall, in January 2023 86% of traveller caravans in England were on authorised land and that 14¹³.

We do not have comparable evidence on gender reassignment, marriage or civil partnership, pregnancy and maternity, religion or belief and sexual orientation in relation to the topics listed above.

2.2 Assess the impact

There are likely to be impacts on people with protected characteristics through the housing and environment measures in the NPPF. These are outlined in detail below.

The following table summarises where the potential impacts (either positive or negative) will be as a result of changes in each policy area.

Note that a tick indicates a potential positive differential impact on people with protected characteristics. A cross indicates a potential negative impact on people with protected characteristics.

Policy Area	Age	Disability	Sex	Gender reassignment	Marriage or civil partnership	Pregnancy & maternity	Race	Religion or belief	Sexual orientation
Housing	✓	✓	✓				✓		
Energy Security	✓	✓					✓		
Design	✓	✓							
Agricultural land									

- **Eliminate unlawful discrimination**, harassment, victimisation, and any other conduct prohibited by the 2010 Act.

Overall, it is not considered that the changes to the NPPF covered by this PSED will have a positive or negative impact on DLUHC’s duty to eliminate unlawful discrimination.

The changes to housing policies will have some impact on housing supply, in the medium/long-term. It is considered that changes may also have short term impacts for decision-making. It is recognised that these policy changes will impact groups differently, including some groups with protected characteristics.

2. Advance equality of opportunity between people who share a particular protected characteristic and people who do not share it.

Most of the impacts of proposals in the NPPF Prospectus (outside of energy security) are driven by how much housing is delivered and what type of housing this is, as a result of:

- having more plans in place in the medium and long-term, meaning development is better aligned with community needs relative to more speculative development.
- fewer places subject to the presumption in favour of sustainable development. This supports a more plan-led system but could impact housing supply in the short term through altered incentives for local authorities to approve and likelihood of developer success. However, analysis shows that having more plans in place is positive for housing supply.

The overall package of housing policy changes is intended to provide greater certainty in planning for housing needs, and support getting more Local Plans in place.

These proposals have the potential to minimise disadvantages suffered by people who share a protected characteristic, take steps to meet the needs of people who share a relevant protected characteristic, or encourage people who share a protected characteristic to participate in public life.

The proposals for changes being taken through the NPPF which are likely to disproportionately impact on people that share a protected characteristic include:

- The cumulative impact of the final changes to the NPPF on policies related to housing is expected to result in a broadly neutral housing supply position in the short term but with some risk of negative longer-term impacts. The changes are designed to better support effective plan-making and lead to well-planned, sustainable growth, to ensure the right homes are in the right places. We intend to further explore policy measures that would support housing supply as part of future policy work. The final policy changes seek to mitigate the significant adverse impacts on housing supply that would have resulted from the proposals as originally consulted on.
- The recently updated policy changes in relation to onshore wind took effect immediately upon publication on 5 September (with some transitional arrangements for plan making). This change to the NPPF is designed to help make it easier and quicker for local councils to take forward onshore wind projects where there is local support. Should more onshore wind developments come forward as a result, it should improve our energy security and therefore reduce pressure on energy supply potentially reducing or probably more likely limiting the rise in energy costs. This will impact all groups including low-income households, but we would expect the impact if any will be positive in the long term. Given this policy change has already been implemented, this analysis is included for contextual and ongoing duty purposes.

Delivering the right homes in the right places

Ensuring that enough land is allocated for the right homes in the right places to meet the needs of our communities is a central task of planning. We need more homes to allow more people to own their own home, and to support urban regeneration and the redevelopment of brownfield land. The government remains committed to its manifesto commitment of 300,000 homes a year to help create a more sustainable and affordable housing market and is clear that having more local plans in place is the best way of achieving this. But planning for housing is not simply about numbers; it is about getting the types and quality of homes communities need in the right places, supported by the right infrastructure, which is best achieved through a plan led system.

As part of the immediate update to the NPPF we are making the following changes to our policies on planning for housing. The changes are designed to support plan making and the delivery of homes, so that local communities have real influence on how the housing needs of their communities are planned for.

- Changes on local housing need policies:
 - To be clearer on the importance of planning for the homes and other development our communities need, and that having up to date plans in place is a priority in meeting these objectives.
 - The application of the urban uplift element of the standard method to be set out in policy to support development in our largest towns and cities, through the effective and efficient use of land.
 - Revised policy to be clear that the outcome of the standard method is an advisory starting-point when establishing housing requirements and to remove some ambiguity to clarify what is meant by exceptional circumstances in relation to assessing housing needs.
 - Policy be amended to be clear that i) there is no requirement for Green Belt boundaries to be reviewed or changed but that authorities may choose to do so where exceptional circumstances are fully evidenced and justified, and ii) significant uplifts in the average density of residential

development may be inappropriate if the resulting built form would be wholly out of character with the existing area.

- Changes on five-year housing land supply policies:
 - To remove the requirement for authorities with up-to-date plans to continually demonstrate a five-year housing land supply while the plan is less than 5 years old, and if that plan identified at least a five-year supply of specific, deliverable sites at the time the examination concluded.
- Changes to our planning policy on older people's housing:
 - Amend existing paragraph 62/new paragraph 63 of the NPPF to specifically reference retirement housing, housing-with-care and care homes.
 - Changes to our policy for small sites to encourage greater housing diversification:
 - Amend Chapter 5 to recognise the importance that small sites play in delivering diversification of housing. This includes amending our existing small site policy in the Framework to specifically reference that local authorities should seek out opportunities, through policies and decisions, to support the bringing forward of small sites for community-led housing and self and custom build housing. Our policy changes also encourage 'Permission in Principle' (PiP) and other routes to permission (such as local development orders).
- Changes to bring forward more community-led development:
 - Take forward the changes proposed to Chapter 5 to say that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including development proposals from community-led housing groups.
 - Introduce a community-led housing exception site to set out that local authorities should support the development of community-led exception sites that deliver affordable housing to meet local need.
 - Introduce a definition of community-led housing development to enable local authorities to provide support for this kind of development as appropriate.

This is a revised package of measures from that consulted on. We consider this will minimise many of the concerns raised through the consultation around impacts on the supply of housing, and the potential impacts this may have on individuals, and groups of individuals with protected characteristics.

2.2.1 Impact of proposed changes to local housing need policy

Context

The changes to planning policy for meeting local housing needs are designed to support our objective of a planning system that delivers the new homes we need, while taking account of important areas, assets or local characteristics that should be protected or respected, with the overall aim of supporting plan-making. They are intended to articulate the importance of plan making and support local planning authorities when planning for housing.

We are not taking forward some of the proposals as consulted on. In particular we are not taking forward a proposal that would allow past over delivery of housing to be considered in future plans. Following consultation, we considered the impacts of those changes on housing supply would be significant and detrimental to our aims as set out above. We have also revised some of the proposals we are implementing to reduce the potential negative impacts they may have had on supply and equality. Details of the policy changes are set out below.

Importance of planning for the homes and other development our communities need

We are implementing changes to the opening chapters of the Framework that will set out the overarching importance of planning for the homes and other development our communities need, and that having up to date plans in place is a priority in meeting these objectives. These changes seek to signal that providing for necessary development that is integrated with local infrastructure is a core purpose of the planning system, while not negating the fundamental importance of respecting the overarching economic, social and environmental objectives. We are implementing this change broadly as consulted on.

Urban Uplift

We are making changes to the Framework on the application of the standard method urban uplift. The uplift directs more housing growth to our largest cities and urban centres. The update makes clear that this uplift should, so far as possible, be accommodated within those urban authorities concerned rather than exported to surrounding areas – except where there is a voluntary cross-boundary agreement to do so, or where this would conflict with other policies in the Framework. This is to better support opportunities to locate more homes in sustainable urban locations and make the best use of brownfield land. 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. We are implementing this change broadly as consulted on, however we have provided more direction on the optimisation of densities and the use of brownfield land in meeting the urban uplift.

Advisory starting point and the use of alternative approaches for assessing local housing needs

We are revising the Framework to be clear that the outcome of the standard method is an advisory starting-point when establishing housing requirements through plan-making. We are also giving more explicit indication in planning policy of the types of local characteristics which may justify the use of an alternative method to assessing housing needs, which will give local areas more flexibility when planning to meet their housing needs. We are implementing these changes broadly as consulted on however we have provided further direction on the particular demographic characteristics that may justify the use of an alternative approach.

Reviewing and changing Green Belt boundaries

We are amending existing policy to be clear that there is no requirement for Green Belt boundaries to be reviewed or changed when preparing local plans, but that authorities may choose to do so where exceptional circumstances are fully evidenced and justified. We have revised the change as consulted on to respond to concerns that the policy lacked clarity. We consider the change now removes ambiguity from the previous policy around whether local authorities are expected to release Green Belt for development.

Residential development and character

To further support our approach to density and local character, we are making a change to policy to be clear that local character can be taken into account when local planning authorities consider how to meet their housing needs through strategic policies on efficient and effective use of land and density of development. This was to recognise the importance of being able to plan for growth in a way which recognises the distinctive character of places and creates attractive environments which have local support. We have made changes to the final policy from that consulted on. We heard the policy could have led to significant adverse impacts on housing. We have revised the policy as implemented to tighten its application which will mitigate potential supply impacts.

Consultation Responses

Importance of Planning

- A total of 1,215 respondents answered this question, of those, 858 (71%) said they agreed the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need.

Changes to the Urban Uplift

- A total of 1,025 respondents answered this question. Of those, 375 (37%) said they agreed we should strengthen the Framework with regard to how the urban uplift should be met in our cities and urban centres. 244 (24%) said they did not agree and 406 (40%) said they were indifferent.

The use of alternative approaches for assessing local housing needs

- A total of 1,197 respondents answered this question. Of those, 845 (71%) agreed the Framework should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs. A considerable number of respondents agreed that greater clarity over the use of an alternative method would be welcome, particularly where there were concerns over existing housing need.

Reviewing and changing Green Belt boundaries

- Many respondents considered it would be most appropriate for local authorities to decide what is best for their local area. Over a quarter of respondents said that Green Belt boundaries should be capable of being reviewed or altered when planning for housing. There were concerns this could lead to a fall in housing supply.

Residential development and character

- Many respondents stated that densification can be appropriate in some cases such as higher densities can maximise use of brownfield land and help make homes more affordable, reduce need for travel. Other comments stated that character should be decided at a local level, and that this would conflict with efforts to direct development to urban areas through the urban uplift.

Through the consultation we also invited views on potential impacts under the Public Sector Equality Duty and we received a number of comments related to equality issues of changes to housing need policies. The main overarching concern we heard was that the changes as consulted on may have a negative impact on the overall supply of new housing. We heard this from a range of stakeholders including local authorities,

developers, professional organisations, interest groups and from individual personal views. We heard that reduced supply would make it harder for people to own their own home; move up the housing ladder; reduce social equality through the provision of affordable homes or housing for older people, and significantly restrict economic growth.

Linked to this were concerns that reduced housing supply would increase house prices and have a disproportionate impact on people with protected characteristics and heighten inequalities. As well as the general impacts on supply, we received comments on specific issues including on how the proposals may affect particular groups, mainly related to age and people with disabilities.

On age, we specifically heard that the proposed changes could disproportionately impact first-time buyers, who are typically younger people, and who would be impacted more by a reduction in the supply of new homes, making it harder for them to get on to the property ladder. We also heard that the proposed changes would reduce the availability of older people's housing, making it harder for older people to find the right property to move to as they age. It was also highlighted that the elderly population, as a proportion, is increasing rapidly and greater focus needs to be on the specific needs of older people.

A common theme was that planning for housing should consider in particular the housing needs of those with disabilities. Specifically, that dense high rise urban environments may be less suitable for those with disabilities. Some responses also highlighted the importance of considering impacts on health and wellbeing when planning.

Potential Impacts

These concerns have been carefully considered in line with the consultation responses. As a result, we have revised the package of changes, as explained above, to mitigate the potential impacts on housing supply, in the short term, and consequently any negative impacts that may have arisen on individuals, or groups of individuals with protected characteristics who more likely to be impacted by access to housing and affordability related challenges.

The changes to support residential development within our larger urban areas and give greater flexibilities to local authorities on Green Belt from development should lead to more homes and more residents living in urban centres, where in principle, development is more sustainable with residents having better access to employment opportunities, health care, education facilities and other services.

Focusing housing growth in larger urban areas should also reduce the need to travel, and the need to travel by non-sustainable travel methods. Important infrastructure should be nearer to more people leading to shorter journeys and more trips undertaken by walking. This should provide benefits to all, and some groups potentially more, for example older and disabled people may have better access to health care and support services and better public transport links. Equally younger people may have better access to education, training and employment opportunities in larger urban centres and benefit from better, more reliable transport links, than if development were focused in more rural, less well connected locations.

Whilst our policies aim to increase housing overall in urban areas, the policy change related to character seeks to prevent development that is wholly out of character with the

surrounding area. This change will guide development in relation to its surroundings, so that dense, high rise development is directed to locations where it is most appropriate. We note the concerns that high rise development may not be suitable for particular groups, and that our changes could limit the supply of older persons housing. Existing planning policy seeks to ensure the needs of different groups in the community are assessed and reflected in planning policy, including the size, type and tenure of homes needed for families, older people and those with disabilities.

Our package of changes are designed to support plan-making. Our analysis shows that those local authorities with up-to-date local plans have higher levels of housing supply compared to authorities with an out-of-date local plan, or no plan at all. This appears to be true even after controlling for important aspects of local market conditions that are known to affect housing supply (median house price changes, transactions as a proportion of dwelling stock and region). The analysis suggests that on average, authorities without an up-to-date Local Plan would have 14% higher housing supply if their housing supply (as a proportion of existing housing stock) were as much as those with an up-to-date plan. Care should, however, be taken about assuming an entirely causal relationship as there are likely to be unobserved factors associated with having an up-to-date local plan, such as how well-resourced a planning department the authority has and whether it has a favourable attitude towards supply. But overall, the analysis points to the possibility of increased local plan coverage helping deliver more homes.¹⁴

Areas with more recently adopted plans are more likely to have policies on housing needs – including on the types, size and tenure of housing - that better reflect the current housing needs of communities, as it would be expected that these policies would be based on more recent up to date evidence. New housing supply would be expected to be more compliant with those policies where plans are up to date and in place, rather than where plans are out of date or not in place at all.

Overall, our proposed changes are intended to support our objective of a planning system that delivers the new homes we need, while taking account of important areas, assets or local characteristics that should be protected or respected. We expect they will help support plan making, with the result of having more plans in place in the medium and longer-term meaning development is better aligned with community needs relative to more speculative development.

However, we identified that the proposals as consulted on may have disproportionately impacted on individuals, and groups of individuals with protected characteristics. Our final package of policy changes seek to mitigate impacts on housing supply and we will explore other opportunities to support supply as part of future policy work.

However, it should be noted that academic evidence indicates that whilst the planning system does impact on housing supply and house prices, there are a range of factors that also impact on supply making it difficult to fully predict the impact of changes to planning policies for housing.

Impact on Gypsies and Travellers

This section assesses the impacts upon ethnic Gypsies and Irish Travellers, recognised as sharing protected characteristics under the Equality Act 2010 and recognised as likely to be impacted by the policy proposals. The government is under a duty through the

Human Rights Act 1998 to facilitate the gypsy way of life in relation to ethnic Gypsies.

The Planning Policy for Traveller Sites (PPTS 2015, as amended) read in conjunction with the NPPF sets out the government's planning policy for traveller sites. Planning policy is clear that local planning authorities should assess the need for traveller accommodation and identify land for sites. Travellers' whose need is assessed through a local housing needs assessment may be affected by our proposed changes, however no significantly adverse impacts have been identified beyond the wider impacts described above.

The proposed changes to housing need policies, which seek to articulate the value of local plans as a pro-supply measure could positively impact on Gypsies and Travellers through supporting authorities to get up-to-date plans in place, with land allocations sufficient and appropriate to meeting the needs of Gypsies and Travellers, along with the needs of other communities. This may have a positive impact and would demonstrate due regard to equality by taking a positive step to meet the needs of people from protected groups.

2.2.2 Housing Delivery Test (HDT)

Context

The HDT is intended to measure the gap between housing requirements (measured by LHN or local plan figures as appropriate) and the number of homes that are delivered. The NPPF Prospectus consultation sought views on factoring planning permissions into the HDT calculation to better reflect Local Planning Authorities' (LPA) efforts to improve their housing delivery and subsequently 'switch-off' the presumption in favour of HDT consequence where an LPA is granting an acceptable level of planning permissions, but they are not being built out. Additionally, we proposed removing the 20% buffer consequence in order to simplify the HDT, support a plan-led planning system, and to make housing land supply calculations more comprehensible to the public. We sought views on whether the HDT's consequences should follow from the publication of the 2022 Test or if consequences should be amended/suspended until the publication of the 2023 Housing Delivery Test, or frozen to reflect the 2021 Housing Delivery Test results while work continues on our proposals to improve it.

Consultation Responses

In relation to the changes to HDT, a total of 1,122 respondents answered yes/no/indifferent to this question. Of those, 647 (58%) said they did agree with the above proposal, 297 (26%) said they did not and 178 (16%) said they were indifferent. Key issues raised in the comments were:

- There is a clear division of viewpoints between developers and local authorities / neighbourhood planning groups. Local authorities and neighbourhood planning groups tended to support the proposal, whilst developers tended to disagree with the proposal.
- The key theme from responses that were against the permissions-based switch-off is that permissions do not always equate to a completion and the process takes a long time.
- The key theme from responses that were in favour of the permissions-based switch-off is that local planning authorities should not be penalised when enough permissions have been granted to meet their housing need, local planning authorities have no control over completions.

Potential Impact

Following analysis of the consultation responses, the government has decided not to

proceed with the permissions-based test and has decided to retain the 20% buffer as part of the HDT. In addition, the government will be publishing the 2022 HDT results and applying consequences as normal. Therefore, the government is not making any changes to HDT policy, and will be applying consequences as the status-quo, meaning there are no specific impacts that will arise from this.

2.2.3 Five-Year Housing Land Supply (5YHLS)

Context

The proposals for the 5YHLS sought to simplify the policy to improve accessibility as well as reducing the routes for speculative development in order to better support a plan-led system. The NPPF prospectus consultation sought views on whether local authorities with a housing requirement set out in strategic policies less than 5 years old should be exempt from the requirement to demonstrate a 5YHLS, whether buffers should be required as part of 5YHLS calculations, and whether over-supply of homes early in a plan period should be taken into account when calculating 5YHLS and if so, what that guidance should say. Following analysis of responses to the consultation, the government will be proceeding with removing the requirement for authorities with up-to-date plans to continually demonstrate a 5YHLS, as long as they have a local plan which is less than 5 years old and which contained a supply of at least 5 years' worth of housing land at the conclusion of their local plan examination. The government will retain the 20% buffer for 5YHLS calculations as a consequence of the HDT and remove the 5% and 10% buffers. The NPPF now makes clear that past oversupply may be taken into account in 5YHLS calculations as per planning practice guidance. Further updates to guidance will be made in due course.

Consultation Responses

Removing the requirement for local authorities to continually demonstrate a 5YHLS for as long as the housing requirement set out in strategic policies is less than 5 years old:

In relation to changes to the requirement to demonstrate a 5YHLS, a total of 1,443 respondents answered yes/no/indifferent to this question. Of those, 859 (60%) agreed with the above proposal, 390 (27%) did not agree and 194 (13%) were indifferent. This indicates considerable support for the proposal. Responses included:

- There is a marked divide between local authorities, neighbourhood groups/parish and town councils and individuals who largely support the proposal and developers, private sector organisations and professional bodies, who largely do not support the proposal.
- The majority of the comments in support state that speculative development would likely be reduced if the proposal is implemented and that subsequently this would put more control in the hands of local authorities and give more of a say to communities.
- Others consider that the proposal will incentivise plan preparation, allowing for truly plan led development, and some highlighted that the current five-year housing land supply results in a burden on local planning authorities.
- Those opposing the proposal stated there may be negative impacts on housing delivery. A minority also stated that this will reduce the provision for affordable housing

Changing the use of buffers required on 5YHLS calculations:

In relation to the changes regarding buffers, a total of 1,350 respondents answered yes/no/indifferent to this question. Of those, 739 (55%) agreed with the above proposal, 345 (25%) did not agree and 266 (20%) were indifferent. More than twice as many respondents

supported the proposals as did not. Comments included:

- Groups supportive of the proposal to remove five-year housing land supply buffers were local authorities, neighbourhood planning groups, parish/town councils, interest groups/voluntary or charitable organisations and individuals. Whereas developers and other private sector organisations were predominantly against the removal of buffers. There was more of a mix of views from professional bodies, but more than half did not support the removal of buffers.
- Strong recurring themes in support of the proposal and across most categories of respondents were that buffers punish local authorities for under-delivery for factors that are outside their control. The removal of the 20% buffer applied by the Housing Delivery Test was identified as a particularly welcome change. An equally strong theme raised by respondents in most categories was that buffers undermine the plan-led system, increasing the risk of unsustainable or unsuitable sites coming forward, and that removing them would reduce the risk of unplanned development and support a plan-led system. Many view the application of buffers as adding complexity to five-year housing land supply calculations, and consequently they thought that removing buffers would simplify the policy. Others noted that the requirement to include a buffer artificially inflates the amount the land needed to be shown as deliverable, making it harder to demonstrate a five-year housing land supply.
- The most common theme amongst those who made comments against the proposal, in favour of retaining buffers, was that removal of buffers will reduce contingency and the certainty of housing being delivered. Another point raised by many was that removing buffers would limit flexibility and an important mechanism compensating for under delivery, stressing that buffers are needed to incentivise Local Authorities to keep delivering supply and maintain their accountability.
- Some thought that buffers should be amended rather than removed altogether, though there was little consensus on how this should be taken forward. However, among this group, the most common views expressed suggested that the 5% buffer should still be retained or that buffers could be removed except for local authorities with poor delivery.

Taking past over-supply of homes into account in 5YHLS calculations: In relation to the proposals take past over-supply into account in 5YHLS calculations, a total of 1,321 respondents answered yes/no/indifferent to this question. Of those, 864 (65%) agreed with the above proposal, 237 (18%) did not agree and 220 (17%) were indifferent. Responses included:

- Overall, there was considerable support for the proposal to count over-supply as part of five-year housing land supply calculations. From local authorities, neighbourhood groups, parish and town councils and interest groups/voluntary or charitable organisations came overwhelming support. Individuals showed strong support. Developers showed strong opposition, and other private sector organisations considerable opposition, to the proposal. There was close to an even split between support and opposition from professional bodies, but those against held a slight majority.
- Consistently in comments of support across view types was an observation that where over-supply is not counted, it punishes local authorities for delivering early in the plan period/granting permissions quickly. Many also said that planning and development run in cycles: there will always be periods of high or low activity and, as such, over-supply early in a plan period should be counted. However, if over-supply is not counted, it will lead to

more unplanned development in unsuitable locations.

- A recurring theme across many groups was that the five-year housing land supply should take into account different types and tenures of housing, and that the assessment of over-supply should reflect that. Some comments mentioned the link to infrastructure issues, i.e., that infrastructure will have been planned, so not counting over-supply may place undue pressure on infrastructure because plan requirements would be exceeded.

Potential Impact

The practical impacts of these changes are primarily driven by encouraging plan adoption, reducing the application of presumption and therefore reducing instances of development on unallocated sites. This means that developments granted planning permission are more likely to comply with locally responsive policies and this is expected to benefit those specific groups, as local planning authorities seek to meet the needs of their communities through their policies in Local Plans.

In terms of the Equality Duty, as local planning authorities should be planning for the needs of their communities, any increase in the number of up-to-date plans in place should lead to a planning system that responds better to the needs of all, including Gypsies and Travellers. Additionally, any approach that results in a reduction in speculative proposals for applications made for pitches or plots is likely to foster better relations between the settled and traveller community, since any potential issues created when a traveller development is permitted in a location that would otherwise not be suitable for development are reduced.

In relation to Gypsy and Traveller developments and overall site provision, given the number of authorised traveller sites that come forward as speculative developments, any policy measures which result in a reduction in speculative developments will likely have an adverse impact on Gypsies and Travellers in the short term. This is because it will likely lead to a reduction in sites and therefore accommodation provision for this group. However, in the longer term, if local planning authorities plan for groups sharing protected characteristics (such as Gypsies and Travellers) appropriately, keeping needs assessments up to date, and allocating appropriate sites in Local Plans that have come forward with the engagement of the travelling community, these communities will not need to rely on speculative proposals. Failing to plan appropriately for Gypsies and Travellers and narrowing routes into speculative developments could lead to an increase in unauthorised developments and unauthorised encampments, which is contrary to the government's aim of seeking to reduce the number of unauthorised traveller sites. It also is likely to result in tensions between the communities, resulting in a higher likelihood of hostility and discrimination towards the travelling community.

Nevertheless, the policy changes in relation to 5YHLS will better support a plan-led system, where all local needs (including those requiring specialist housing etc.) are appropriately planned for and delivered. There is strong potential for this to result in a positive impact on those groups sharing protected characteristics as they are more likely to require specialist developments/housing and services or affordable housing. As such, there are not anticipated to be any significant negative impacts on any groups sharing protected characteristics as a result of the proposals in the longer term.

Where local authorities have an emerging local plan that has been subject to a Regulation 18 or 19 Consultation (Town and Country Planning (Local Planning) (England)

Regulations 2012), or that has been submitted for examination, and includes a policies map and proposed allocations to meet identified housing need, they should identify a four-year housing land supply for the purposes of decision making. This applies temporarily for a period of 2 years and is intended to allow local authorities to make changes to their emerging plans in light of policy changes, which will support local plan adoption. This may result in a small decrease in supply for this group, as fewer local authorities will fall under the presumption and therefore there may be a reduction in speculative development. However, the impact of this policy will be short-term.

A planning system for communities

2.2.4 Older people's housing

Context

The National Planning Policy Framework currently asks local authorities to provide for a diverse range of housing needs, including for older people. Existing paragraph 61 of the NPPF states that local housing need assessments should be used by local authorities to determine the minimum number of homes needed. Paragraph 62 then states that "within this context the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies", which includes older people. In 2019, we published guidance to help councils implement the NPPF policies.

We have been seeking ways in which the NPPF can further support the supply of older people's housing. We proposed to amend existing paragraph 62 in the NPPF as follows:

*62. ... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, **including for retirement housing, housing-with-care and care homes**, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*

Consultation responses

In relation to the changes proposed to paragraph 62 (new paragraph 63 in the NPPF draft), we received 1,130 responses. Of these, over 75% agreed that we should amend existing paragraph 62 (new paragraph 63) of the NPPF to further support the supply of specialist older people's housing. Around 5% answered "no" and the rest answered "indifferent". The comments received included:

- Individual needs and preferences are lost sight of in generalised Older People's Housing allocations in Plans. Revisions to the NPPF and/or Planning Practice Guidance should make clear that Plan-makers are expected to carry out detailed, evidenced interdisciplinary assessment of the care and lifestyle needs of older and retired people in each area, so they can plan for a full range of older people's housing and care types.
- Older people are not a homogenous group. For some, independent living, with access to care and health services as necessary, is the primary need. Moreover, needs may intensify or vary as time goes by.
- Older People's Housing provision generally has to be social or affordable housing, but

Plans should accept that many older people wish to keep their independence, to live in multigenerational settings close to relatives, to purchase small market homes to downsize, and to have ready access to shops and services as well as care. Some commented that we should await the Older People's Housing Task Force recommendations before making changes to national planning policy.

- Housing land, the provision and retention of specialised and dedicated housing for older people, and accommodation for those who provide their care, are desperately needed. More land, including settlement expansions, should be allocated but restricted for affordable older people's housing so that commercial developers cannot acquire and build larger houses or private retirement homes there.
- Unless protected and reserved as older people's housing, many affordable bungalows, and small dwellings suitable for older people are lost on the open market or so enlarged as to become unaffordable.

Having considered the consultation responses received, other than making some small typographical amendments to improve the flow of this paragraph, we propose to go ahead with the amendments to existing paragraph 62/new paragraph 63 of the NPPF as consulted to specifically reference retirement housing, housing-with-care and care homes.

Potential impact

The population of the UK population is ageing rapidly and around 1 in 4 will be aged 65 or over by 2041. We need to ensure that our housing market is prepared for this challenge and that older people are offered a better choice of accommodation to suit their changing needs can help them to live independently and feel more connected to their communities. In 2021, a report by the International Longevity Centre indicates that there will be a shortfall of 37% in specialist retirement housing by 2040.

Our changes are intended to further support the supply of older people's housing. We anticipate that the changes will reinforce the requirement for local authorities to plan for older people, including specialist housing requirements including retirement housing, housing-with-care and care homes. This will directly benefit older people, including older disabled people, who will have greater access to specialist housing that better meets their needs.

In terms of the impact on supply, we envisage that this change is more likely to impact housing types rather than housing numbers. There is a risk therefore that while this policy change will increase the amount of specialist housing, it could lead to a reduction in non-specialist housing, which could in turn impact other protected groups.

Prevalence of protected characteristics affected by NPPF changes

We conclude that older people, including older disabled people and those with other protected characteristics (including Gypsies and Travellers who have their housing needs assessed under the NPPF), will be most likely to benefit from this change through greater access to specialist housing that better meets their needs.

2.2.5 Small sites

Context

Paragraph 69 of the NPPF sets out that local planning authorities should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved. The NPPF also asks local planning authorities to use tools such as area-wide design assessments and Local Development Orders to help bring small and medium-sized sites forward; and to support the development of windfall sites through their policies and decisions. Local planning authorities are asked to work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

Some stakeholders have highlighted that these existing policies are not effective enough in supporting the government's housing objectives, and that they should be strengthened to support development on small sites, especially those that will deliver high levels of affordable housing. As part of the recent NPPF consultation, we therefore invited comments on:

- the effectiveness of the existing policy
- whether it could be strengthened to encourage greater use of small sites, particularly in urban areas, to speed up the delivery of housing (including affordable housing), give greater confidence and certainty to Small and Medium Enterprise (SME) builders and diversify the house building market.

Consultation responses

In total, there were 642 responses to question 24, including those who gave a 'no' response or similar without substantive content. There were 856 responses to question 25, including those who made unrelated comments or did not provide substantive content.

Around 15% of respondents who provided substantive comments said that the existing policy was not especially effective in bringing forward small sites. However, there were mixed views on whether the policy should be strengthened, or whether in fact it should be altered to allow for more local discretion or removed entirely.

Other issues raised include concerns about the ability to provide necessary infrastructure when delivering large amounts of housing on small sites. Another common point was the need to ensure that small sites respect local character and amenity and are developed sustainably.

There was a common theme that small site delivery is influenced by factors outside of the planning system such as the higher relative cost of developing such sites due to contamination etc. Some commented that wider incentives outside of the planning system would be necessary. This included funding for SME developers, infrastructure or brownfield remediation. This view was particularly prominent among individual respondents and local authorities.

Some respondents, particularly local authorities, parish councils and neighbourhood planning groups, suggested that local authorities should be able to take contributions for

affordable housing on sites of fewer than 10 units. Among developers, this view was far less commonly expressed.

A number stated that local authorities should plan for small sites as part of their local plans, with a general consensus that they should look to allocate more small sites rather than have them come forward as windfall sites outside of the local plan. This view was especially common among developers and professional bodies.

Some respondents commented that there is a need for greater focus on brownfield development.

Having considered the responses received, as part of the immediate NPPF changes, we propose to amend Chapter 5 to recognise the importance that small sites play in delivering diversification of housing. This includes amending our existing small site policy in the Framework to specifically reference that local authorities should seek out opportunities, through policies and decisions, to support the bringing forward of small sites for community-led housing and self and custom build housing. Our policy changes also encourage 'Permission in Principle' (PiP) and other routes to permission (such as local development orders).

We also propose to undertake a further consultation on specific proposals to strengthen our small sites planning policy (the impacts of which will be considered separately).

Potential impact

Our immediate changes to the NPPF are intended to improve the diversification of housing by encouraging local authorities to seek opportunities to support the bringing forward of small sites for community-led housing and self and custom build housing. We anticipate that this will benefit all protected groups, particularly those who live in these types of housing (including Gypsies and Travellers), and those in need of affordable housing. The changes are also intended to benefit SME developers who are more likely to build these types of housing.

Any future changes to strengthen our small sites NPPF policies will be subject to a separate PSED analysis.

2.2.6 Community-led developments

Context

Community involvement in housing development can be critical in ensuring that development properly reflects local needs and circumstances and receives support from the local community. This can be especially true for small-scale developments in rural areas. We would like to make it easier for community-based groups such as community land trusts or housing co-operatives to take a lead in delivering housing, and, in particular, affordable housing.

As part of our consultation, we proposed changes to Chapter 5 of the NPPF to emphasise

the importance of community-led housing, and we proposed to include a definition of community-led development in the Glossary.

We asked four consultation questions:

26, Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

27, Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

28, Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

29, Is there anything else national planning policy could do to support community-led developments?

Consultation responses

Responses to the immediate NPPF changes were captured in answers to questions 27, 28 and 29. In total, there were 544 respondents answered question 27, 516 respondents answered question 28 and 732 respondents answered question 29. Points raised include:

Although these were not yes/no questions, there was a fairly even split between those answers which pointed explicitly towards saying that changes could be made to exception site policy in order to make it easier for community groups to bring forward affordable housing, and those who answered “no”.

Around 20% of respondents commented that national policy should make it easier for community groups to bring forward affordable housing, either through the exceptions sites policy or other suggestions included a presumption in favour of such sites, the use of Local Development Orders or Neighbourhood Development Orders, or the introduction of a “planning passport”.

A number of those who supported changes to the exception sites policy, commented that the definitions within the Framework should be amended to make it easier for organisations that are not Registered Providers (including, but not limited to, community-led groups and almshouses) to develop new affordable homes.

A number of respondents raised issues around viability and that this presented a barrier to community groups in bringing forward affordable housing. Some suggested greater flexibility is needed on the proportion of market housing to improve viability (including changes to the thresholds set in national policy). Conversely, other respondents raised concern that the provision of market housing would increase hope value which would, in turn, make it much harder to community groups to compete against larger developers in accessing sites.

Some respondents commented that financial incentives should be used to encourage community groups to bring forward affordable housing.

As part of the immediate changes to the NPPF we propose to:

- Take forward the changes proposed to Chapter 5 to say that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including development proposals from community-led housing groups.
- Make further amendments to Chapter 5 to recognise the importance that small sites play in delivering diversification of housing. This includes amending our existing small site policy in the Framework to specifically reference that local authorities should seek out opportunities, through policies and decisions, to bring forward small sites for community-led housing and self and custom build housing. Our policy changes also encourage 'Permission in Principle' (PiP) and other routes to permission (such as local development orders), to make it easier for community-led housing to be delivered more quickly.
- Replace the existing entry-level exception site policy at [new paragraph 73](#) of the Framework to focus exclusively on newly introduced community-led housing exception sites. This sets out that local authorities should support the development of community-led exception sites that deliver affordable housing to meet local need.
- Introduce a definition of community-led housing development so as to enable local authorities to provide support for this kind of development as appropriate.

Potential impact

Community involvement in housing development can be critical in ensuring that development properly reflects local needs and circumstances and receives support from the local community. This can be especially true for small-scale developments in rural areas. We would like to make it easier for community-based groups such as community land trusts or housing co-operatives to take a lead in delivering housing, and, in particular, affordable housing. Community groups will continue to be able to bring forward affordable housing in rural areas through the existing Rural Exception Site policy.

Any impact will be dependent on:

- Implications for supply and whether these are additional to what is currently delivered through registered social landlords.
- Impact on share of affordable housing relative to the status quo.

While community-led housebuilding is able to deliver housing in areas and on sites (including urban sites) that are not available or of interest to mainstream commercial builders, uncertainty within planning policy creates additional risk and costs and can undermine the prospects for successful delivery. Reducing risk by strengthening support in planning policy will encourage community groups to bring housebuilding schemes forward. Community-led housing delivers additional benefits in respect of good quality design and strengthening local communities and local economies.

We consider that our changes will encourage community groups to bring forward sites that will deliver affordable housing to meet local needs. This will particularly benefit those in need of affordable, and we do not anticipate that any protected group will be

disadvantaged as a result of the changes, the policy is designed to fulfil the needs of community groups identified through the consultation. No group with protected characteristics is intended to be excluded from the definition of community-led development as set out in the glossary.

Making more local and neighbourhood plans

2.2.7 Neighbourhood Plans

Context

Parish councils or “neighbourhood forums” in unparished areas have the option to prepare a neighbourhood plan, on behalf of their communities, which sets out policies for the use and development of land in a neighbourhood area. Parish councils and forums are expected to consult widely with the wider community on the preparation of their plans. Once ‘made’ (adopted) neighbourhood plans form part of the local development plan against which planning applications are determined. Under paragraph 14 of the NPPF, where certain criteria are met, areas covered by a neighbourhood plan are protected from the presumption in favour of sustainable development when it is triggered and are therefore protected from speculative (typically residential) development. The government proposes to amend the criteria that must be met for areas with neighbourhood plans to benefit from the protections under paragraph 14.

Potential impact

The practical impacts of these proposals are primarily driven by the presumption and subject to the same PSED analysis as for HDT. The impact of the changes could be that a greater number of areas with adopted neighbourhood plans could be protected from speculative development, though we lack data on scale of this impact. This will mean that development, in particular the location and type of housing development, coming forward in these areas is more likely to meet the community’s needs and preferences as given expression in the neighbourhood plan, including those in the community that share a protected characteristic. This, however, assumes that neighbourhood plans reflect the needs and preferences of those in the community that share a protected characteristic, which may not always be the case. The changes may also reduce the amount of housing development coming forward in the additional areas that would qualify for the protections. This could reduce the choice of accommodation for people living in these communities, including those that share a protected characteristic.

Prevalence of protected characteristics affected by NPPF changes

These proposed changes will have community wide impacts but are more likely to affect people whose accommodation needs that are not currently being met. This could include younger people who want to get on the housing ladder, or people who are living in unsuitable conditions and are seeking improved accommodation.

2.2.8 Asking for Beauty

Context

The **Levelling Up White Paper**¹⁵, published 2nd February 2022, made clear the

importance of well-designed beautiful places to boosting civic pride, with people having a say on how and where beautiful sustainable homes and neighbourhoods are built.

Evidence set out in the **Levelling Up and Regeneration Bill Impact Assessment** (2018 British Social Attitudes Survey, 2019 Place Alliance) indicates that investing in design, including the availability of amenities/infrastructure, in collaboration with the community, can help to reduce opposition by the community and increase support for new housing and associated development.

Our work on levelling up supports the findings of the **Building Better, Building Beautiful Commission** (BBBBC), which emphasised the importance of beauty to our everyday lives, and is the benchmark for all new development to meet and not to be negotiated away once planning permission has been obtained. It also sets out recommendations to government for achieving gentle density as a way of ensuring a mix of uses. This includes policy proposition 14 that asks government to investigate ways of facilitating gentle suburban intensification and mixed use with the consent of local communities and proposition 27 which recommends to end the unintended bias against ‘gentle density’ neighbourhoods.

In response to the findings of the BBBBC, the NPPF was amended in July 2021 to place a greater emphasis on beauty, place-making and good design, to create better places in which to live and work. It also makes clear in paragraph 120 (e) of the existing Framework (2021) that planning policies and decisions should consider airspace development above existing residential and commercial premises for new homes, by allowing upwards extensions providing that the development is consistent with criteria relating to neighbouring properties, overall street scene, as well as being well-designed and maintaining safe access and egress for occupiers.

As part of the immediate updates to the NPPF, we propose to take forward the changes as proposed in the consultation on ‘*ask for beauty*’. We also propose to take forward the changes on ‘refusing ugliness’ and ‘embracing gentle density’ with amendments to help with clarity on the intended aims for the policy, as set out below:

Ask for beauty:

- To include additional references to beauty within the NPPF to emphasise the role of beauty and placemaking in strategic policies to further encourage beautiful development and to further reflect the importance of beautiful development in our everyday lives as recognised by the BBBBC report so it becomes a natural result of working within the planning system.

Refusing ugliness:

- To proceed with the inclusion additional text in NPPF chapter 12 existing paragraph 135 to encourage local planning authorities to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process. Resulting from the consultation, the text will include amendments to further clarify that the proposed changes will provide greater certainty for those implementing the planning permission on how to comply with permission and

that this will help give a clearer basis for local authorities to identify breaches of planning control.

Embracing gentle density:

- To include the additional text in NPPF chapter 11 existing paragraph 120 with an amendment to recognise that mansard roof development should be allowed only on suitable properties and the inclusion of an explanation in the Glossary of the Framework in the form of a definition of mansard roof development and the type of building for which is it appropriate. This will make clear that mansard roofs can be an appropriate form of upward extension and for local planning authorities to have permissive policies in place to allow for and encourage upwards extensions where appropriate.

Potential impact of the changes

The changes aim to further support our objective of a planning system that encourages well-designed and beautiful development that boosts civic pride, provides a variety of homes to suit all needs and gives people a say on how and where beautiful sustainable homes and neighbourhoods are built, which will lead to communities being more welcoming of new development. It is thought the changes will also positively impact a consistent approach to maintaining quality beyond the planning approval stage, to ensure that approval of conditions doesn't lead to watering down the quality of previously approved proposals.

Providing additional wording in the NPPF to encourage the development of mansard roofs, will allow more opportunity through the planning system for the potential creation of more homes, or more space within homes, where appropriate and which does not harm the surrounding character and safety of occupants.

Responses to the consultation raising equalities issues:

As part of the consultation, we invited views on any potential impacts under the Public Sector Equality Duty. We received a number of views related to the proposals on asking for beauty as set out in the consultation.

Ask for beauty:

Q33 - Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

Q34: Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places' to further encourage well-designed and beautiful development?

- There was general support for the principle of beautiful design, but many felt that the proposed NPPF changes to emphasise the role of beauty in strategic placemaking and to further encourage well-designed and beautiful development was not enough, and that other issues, including good design, health, safety, inclusivity, energy efficiency and environmental issues more broadly are just as important to deliver sustainable places for all. For example, concern was raised that national policy should be focussed on placemaking holistically, rather than just achieving beautiful development, and that LPAs, through their local planning policies and making decisions on planning applications should focus on creating

healthy, safe, inclusive and sustainable places and communities that take into account wider design considerations such as providing appropriate living space and environments, access to nature, services facilities and infrastructure, including those related to sustainable movement patterns, public transport, health and education and employment opportunities.

- We heard concerns that further encouraging beauty in national policy could lead to a new subjective bar to meet and higher building costs, which may undermine housing supply and impact affordable housing provision, and also may result in greater community opposition.

Refusing ugliness:

Q35: Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

- Some respondents felt that the proposals will have a positive impact on communities by helping increase public understanding of the design of development proposals at the planning application stage.
- Conversely, other respondents emphasised the need for design requirements to be agreed with communities at an earlier stage of the process, for example as part of the preparation of local design codes.
- There were also concerns that the proposals will lead to a lack of diversity and innovation in the design of development.

Embracing gentle density:

Q36: Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

- Some respondents suggested that encouraging mansard roof development in national policy would have a positive impact on providing additional housing or additional space for young families, preventing them from moving away from their homes or areas.
- However, others raised concern that mansard roofs are an inappropriate means of upper storey extension as they generally are not suitable in terms of the living spaces they deliver and are often badly lit, poorly insulated or need to avoid overglazing up to prevent overheating.
- It was also suggested that more consideration needs to be given on their outlook and the potential loss of sunlight and sense of privacy on the surrounding residents.
- There was support for the principle of increased density, which could provide benefits in terms of helping to deliver more space which may have wider benefits. For example, making public transport work most effectively as well as environmental benefits through a reduction of heating costs and reduce embodied carbon through less new builds.
- Conversely, some raised that Increased densification would increase pressure on local amenities and infrastructure, which would detract from the government's wider placemaking aims.
- Some also argued that the proposal will not provide more affordable housing.
- It was also raised that, if a new single residential unit was created (as opposed

to increasing the size of an existing unit), then a separate access and staircase would need to be provided. This may disadvantage older and disabled residents.

Summary

We have carefully considered the responses to the consultation on *asking for beauty* when developing our policy position. We consider that the changes to the NPPF will have an overall positive impact as the changes are intended to support our objective of a planning system that encourages and delivers well-designed places and neighbourhoods that benefit all those who use them, including those with protected characteristics. They will also contribute towards providing clarity in the planning system to communities on the design of new development in their areas and we expect the changes will support this objective and will in general improve how communities, including those with protected characteristics, experience new development in the long term.

Reflecting a minority of respondents' comments to Q36, the recommendations may have a low negative impact on older or disabled residents should a separate staircase be needed if mansard roofs are developed as additional units. However, it is considered that most mansard roof development will contribute to additional space within homes rather than additional units and therefore the impact on older or disabled residents would be minimal.

2.2.9 Agricultural land

Context

The government's food security strategy highlights that the UK maintains a high degree of food security. We have some of the best performing farms in the world, with 57% of agricultural output coming from just 33% of the farmed land area. To emphasise the important role that our best performing farms have on food security we are seeking initial views on increasing the consideration given to highest value farmland and food production in the NPPF for both plans and decision making.

Potential impact

If the government emphasises the important role best performing have on food production, it should help to maintain the UK's food security and therefore reduce pressure on food supply which could potentially reduce or more likely limit the rise in food costs. This will impact all groups including low-income households, but we would expect the impact, if any, will be positive.

Prevalence of protected characteristics affected by NPPF changes

A higher percentage of some groups that share protected characteristics are more likely to be impacted by increases to food costs. This means that planning policies that may impact on food security and subsequently on food costs have the potential to disproportionately impact those with protected characteristics.

Food price rises are likely to hit lower income households disproportionately, as they spend a higher proportion of their income on food and are more likely to be in food

poverty¹⁶. Therefore this could particularly impact ethnic minority households as the medium income for such households in 2019 was on average lower than the income for white households which partly explains their higher likelihood of food poverty. This could also impact on households where the age of the oldest member is between 16-24 which had a median income of £14,458 compared to £23,496 for all households.

2.2.10 Improving energy security and pressures on supply

Context

The government is committed to addressing both through the town and country planning and nationally significant infrastructure project regimes. The planning system as a whole should reflect the government's ambition to help business and communities protect and enhance the environment for future generations, build a net zero carbon future, and adapt to the impacts of climate change. National planning policies and guidance, spatial development strategies and local plans should all contribute to this core objective of planning.

The NPPF already makes clear that the planning system should support the transition to a low carbon future and take full account of flood risk and coastal change. The government wants to go further to make sure that protecting the environment and tackling climate change are central considerations in planning. It proposes to do this by:

- Protecting important landscape and heritage assets, while also incorporating nature, landscape and public space into development.
- Supporting habitat creation and nature recovery in ways which can store carbon, assist adaptation (e.g. by reducing water run-off rates) and protect and enhance ecology.
- Promoting locational and design decisions that respond to changing climate conditions, for example the risk of overheating, surface-water flooding, and water scarcity.
- Enabling renewable and low carbon energy production and distribution, at both a commercial and household scale; and policies for regulating carbon-generating extraction and energy generation.
- Promoting development locations, and designs and layouts, that contribute to reduced energy consumption, for example by reducing reliance on cars and promoting active travel i.e., walking and cycling.
- Bringing together the spatial strategy for a place in a way which addresses these in a holistic way and reflects its unique characteristics, while also providing a clear framework for development and regeneration.

Potential Impact

If the government encourages solar and onshore wind developments, it should improve the UK's energy security and therefore reduce pressure on energy supply which could potentially reduce or more likely limit the rise in energy costs. This will impact all groups including low income and disabled households, but we would expect the impact, if any, will be positive.

Prevalence of protected characteristics among those groups more susceptible to being in fuel poverty.

A higher percentage of some groups that share protected characteristics are more likely to be impacted by increases to energy costs. This means that planning policies that may impact on energy security and subsequently on energy costs have the potential to disproportionately impact those with protected characteristics.

Energy price rises are likely to hit lower income households disproportionately, as they spend a higher proportion of their income on utility bills and are more likely to be in fuel poverty¹⁷.

Race¹⁸: Households with an ethnic minority Household Reference Person (HRP) have a higher likelihood of being in fuel poverty than households with a white HRP. This could be partly due to the fact that in 2019, the median income for ethnic minority households was, on average, lower than the income for white households which partly explains their higher likelihood of fuel poverty. Ethnic minority households are also more likely to live in social housing (27 per cent compared to 16 per cent for white households) and tend to live in more energy efficient properties with a median energy efficiency rating of 69 compared to 67 for white households.

Age¹⁹: Households where the age of the oldest member is between 16 and 24 have the highest likelihood of being in fuel poverty (25.2%), with an average gap of £156. In 2019, 25 per cent of households where the oldest member is aged 16 to 24 years were fuel poor, which is likely to be a result of lower incomes for younger households. The youngest households (age 16-24) had a median income of £14,458 compared to £23,496 for all households. The lower fuel poverty gaps were seen in younger households reflecting lower fuel costs due to smaller homes and the lower daytime occupancy levels (due to work).

Disability²⁰: Disabled people were also more likely to be reducing their gas and electric use, with 55% of disabled people who were experiencing an increase in their cost of living reporting this change, compared with 50% of non-disabled people. These are likely connected, as older people are more likely to identify as disabled than younger people. Disabled people were more likely than non-disabled people to have reduced their spending on food and essentials because of their increased costs of living (42%, compared with 31%).

2.2.11 Transitional arrangements for plan-making

Context

To minimise disruption and delay for plan-making, local planning authorities with advanced emerging plans should progress those plans through to adoption under the policies set out in the previous version of the NPPF. This is the version of the NPPF under which these plans were prepared.

Potential impact

This will ensure that communities can benefit as soon as possible from up-to-date plans. This will have a beneficial impact on groups with protected characteristics and the general public by getting land allocated in plans for development including housing, employment or regeneration more quickly than if authorities attempted to incorporate the NPPF policy

changes into their advanced emerging plans – which would be likely to require the time-consuming modification of policies and evidence bases.

Prevalence of protected characteristics affected by NPPF changes

The policy intention is to ensure that up to date local plans are in place, which provide for sustainable growth, which has net positive benefits for society, including individuals and groups of individuals with protected characteristics.

2.2.12 Transitional arrangements for decision-making (5YHLS)

Context

To minimise disruption and delay for decision-making, the changes to the requirement to demonstrate a 5YHLS will not be a material consideration for applications which have already been made.

Potential Impact

This will ensure that applications already in the system are not subject to delays due to the change in 5YHLS policy. This will ensure communities can benefit from developments more quickly than if changes to the policy had to be reconsidered.

Prevalence of protected characteristics affected by NPPF changes

The policy intention is to ensure that up planning applications for development continue through the system, which has net positive benefits for society, including individuals and groups of individuals with protected characteristics.

3. Foster good relations between people who share a particular protected characteristic and people who do not share it.

Overall, it is not considered that the changes to the NPPF will have a positive or negative impact on DLUHC's duty to foster good relations between people who share a particular protected characteristic and people who do not share it.

2.3 Summary of the Analysis

The proposed immediate changes to the NPPF seek to support DLUHC's wider objective of making the planning system work better for communities, build pride in place and support levelling-up more generally:

1. Beautiful places: Changes to the NPPF and new National Development Management Policies will complement previous changes designed to make sure that good design and placemaking reflects community preferences and further cement our commitment to good design.
2. Securing the infrastructure needed to support development: We intend to update national planning policy to support the implementation of LURA changes and make sure that development delivers the infrastructure which communities need and

expect. Good infrastructure is also critical to support a changing and competitive economy, such as those brought about by the growth in ecommerce.

3. More democratic engagement for effective plan-making and better decision-making: In revising national policy we will also want to restate and reinforce the importance of community engagement in decision-making, especially in light of the opportunities which improved use of digital technology can offer.
4. Better environmental outcomes: We also intend to go further to support environmental enhancement, nature recovery and climate change adaptation; to mitigate the effects of pollution; and to embed the important reforms introduced by the Environment Act.
5. Allowing neighbourhoods to shape their surroundings: Future changes which we intend to make to national planning policy, once the Levelling Up and Regeneration Act is commenced, will support the delivery of these reforms to strengthen opportunities for people to influence planning decisions that affect their immediate area.

The policy aims of the NPPF reforms are to ensure that these positive changes are introduced in a way that allows all residents to benefit, regardless of whether they have protected characteristics and sets out a variety of steps to achieve this. Positive impacts likely to arise from the reforms include:

1. The cumulative impact of the final changes to the NPPF on **policies related to housing is expected to set out a near neutral housing supply position in the short term** but with some risk of negative longer-term impacts. The changes are designed to further enable effective plan making and **lead to a more sustainable housing supply in the medium to longer term**. The final policy changes seek to mitigate the significant adverse impacts on housing supply that would have resulted from the proposals as originally consulted on.
2. Reforms that **encourage solar and onshore wind development** should improve the UK's energy security and therefore limit the rise in energy costs in the long-term. This will impact all groups but could particularly impact including low income households.
3. **More plans in place** resulting in development that better aligns with community needs.

In each policy area where potential changes are being introduced that could disproportionately affect groups with protected characteristics the proposed mitigations in the above section are extremely important.

SECTION 3

3.1 Decision Making

The recommendation is to ***proceed as planned with the policy or service*** (subject to the responses to the consultation).

The proposed immediate changes to the NPPF should promote advancement of opportunity (e.g., through increased home ownership and limits on increases to energy costs).

In other areas where we anticipate that changes to the NPPF or changes or new additions to other national planning policies will be brought forward in the future (medium or long-term), the equality impacts of these reforms will be considered in future delivery work, or through future assessments.

3.2 Monitoring arrangements

DLUHC will monitor progress on the reforms using a combination of: metrics already gathered by the department; new metrics that are being created; and robust proxy measures. Regular reports on progress will be submitted to senior officials on the individual and combined impacts.

3.3 Sign-off by the decision-maker

Name:

Job Title:

Date:

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