

# Frequently Asked Questions for Parish and Town Councils

March 2025

## Re: National Planning Policy Framework (NPPF) December 2024

1. What does the new NPPF (December 2024) mean for Herefordshire Council in its plan making role around housing?

The Government has set mandatory housing targets for councils across England. Targets are no longer advisory, and this level of growth must be accommodated. The new housing target for Herefordshire is **27,260** dwellings over a twenty-year plan period.

The Draft Local Plan has been through its Regulation 18 draft plan consultation, but it only had provision for 16,100 new homes, the new NPPF requires an additional 11,160 homes over the 20-year plan period. Therefore, the council must now go back to the start of the plan making process as a **new strategy must be devised**. We are unable to carry on with the draft plan that was consulted on in 2024 and will now be producing a new Local Plan in line with the new [Levelling-up and Regeneration Act 2023](#) (LURA). The secondary legislation to progress under this system will not be available until later this year.

2. What does the new NPPF (December 2024) mean for Herefordshire Council with regard to housing targets?

The significant increase in the revised housing target for Herefordshire takes immediate effect. It means the current supply of housing in the county falls short of the new need target. This means the level of planning commitments, allocations and potential housing sites coming forward are not enough. Therefore, if the Council is unable to demonstrate that it is able to meet its housing target then it **does not have a Five-Year Housing Land Supply** (5YHLS).

3. What is a 5 Year Housing Land Supply?

In order to try to maintain the delivery of new homes, national policy in England requires Local Authorities to have a supply of deliverable sites. Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement, in other words, a Five-Year Housing Land Supply. A supply of **5.00 years** and above is when there is a supply but anything at or below **4.99 years** is when there is not a supply.

#### **4. What is the 5 Year Housing Land Supply figure for Herefordshire?**

Prior to the NPPF December 2024 update, Herefordshire had a 5YHLS of 5.79 years, however the implementation of the new housing targets has meant that the recalculation of the Herefordshire [Five Year Housing Land Supply Document January 2025](#) now sits at **3.06 years**. To demonstrate five years' worth of deliverable housing sites, robust, up-to-date evidence needs to be available. The supply is calculated annually, and the results are available annually in the autumn.

#### **5. Does this mean all housing applications will automatically be approved?**

No. When an authority cannot demonstrate a five-year supply of housing land, all of its development plan policies for delivering housing are deemed out of date. The NPPF states that planning applications should instead be decided based on the presumption in favour of sustainable development.

Paragraph 11(d) of the NPPF must be applied in this situation. While there is a presumption in favour of sustainable development, applications can still be refused if:

- The application is in conflict with specific NPPF policies that protect areas or assets of particular importance such as habitats sites, National Landscape (formally Areas of Outstanding Natural Beauty), Local Green Space, Sites of Special Scientific Interest, heritage, assets of archaeological interest and areas at risk of flooding.
- The adverse impacts would significantly and demonstrably outweigh the benefits when assessed against NPPF particularly on 'key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes'
- The area has a Neighbourhood Development Plan and NPPF Paragraph 14 is applicable.

#### **6. What is the timescale for producing a new Herefordshire Local Plan in line with the new NPPF (December 2024) guidance?**

The council is now going back to the start of the plan making process and will be producing a new Draft Local Plan under the Levelling Up and Regeneration Act 2023. This will allow the council to plan for the new level of growth required by the mandatory housing targets.

Progressing a local plan under the Levelling Up and Regeneration Act 2023 plan making system, with secondary legislation due to be published in Autumn 2025, means that timescales can only be broadly set out. However, submission of the plan at the start of 2028 is timetabled as the likely possibility. This system comprises of three Gateways in a 30-month end to end process and once further guidance is available a more structured programme will be made available.

#### **7. What does the new NPPF (December 2024) guidance mean for Neighbourhood Planning?**

Neighbourhood Development Plans (NDPs) form part of the wider Development Plan Scheme for Herefordshire. Given that the 5YHLS falls below 5 years, Paragraph 11(d) of

the new NPPF is applicable to NDPs in decision making. However, NPPF paragraph 14 provides the following additional guidance:

*In situations where the 'presumption in favour' (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

- a) the neighbourhood plan became part of the development plan **five years or less** before the date on which the decision is made; and*
- b) the neighbourhood plan contains **policies and allocations** to meet its **identified housing requirement** (see paragraphs 69-70).*

This means that for made plans that contain policies and site allocations to help meet their identified housing requirement, and which **are less than five years old**, paragraph 14 of the NPPF allows the decision maker to attach significant weight to the Neighbourhood Plan, even when the council cannot demonstrate a five-year housing land supply.

For parish groups with plans that are less than 5 years old; meet both criteria *a* and *b* of paragraph 14, their NDP will be a significant material planning consideration when assessing the principle of future housing developments in the Designated Neighbourhood Area.

Where NDPs are **older than 5 years** from December 2024, then the NDP is out-of-date and paragraph 11d of the NPPF is what the decision maker must determine the application against particularly for housing provision.

#### **8. What does the new NPPF (December 2024) mean for Parishes and Town Councils who wish to begin or continue with a Neighbourhood Development Plan now?**

The NPPF has a set of transitional arrangements for areas of planning that are not set to change to the new guidelines with immediate effect. In terms of NDPs the plan making transitional arrangements are as follows:

*For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025. NPPF Annex 1, paragraph 239.*

Therefore, the NDP must have completed a Regulation 14 consultation at the time of publication of the new NPPF December 2024. A full analysis of the Regulation 14 consultation information must be drafted along with other updated documentation in preparation for Regulation 15 submission. The preparation of this documentation requires input from the Herefordshire Council planning team, such as production of maps and other assessments, therefore communication with the department regarding this must be taken into account and be factored into timelines. Thereafter, to be ready for this stage, known as Regulation 15, the following documentation would be required to be submitted to the Council to be considered for Regulation 16 consultation:

The submission must include:

- Policies Maps for the Final Neighbourhood Development Plan
- a 'consultation statement'

- a 'basic conditions statement'
- an (SEA) Environmental Report
- Appropriate Assessment
- A Statement of Modifications (only applicable to reviewed NDPs)

## **9. Can an NDP still be reviewed?**

Any reviews going forward must be amended in line with the new NPPF (December 2024). The type of review required will depend on the changes you wish to make (see the Herefordshire Council [NDP guidance note on review of NDPs](#) for further detail). There are three main types of review:

### Minor

A minor (non-material) modification is for typographical errors or adding information for clarification and does not result in any changes to the policy stance or interpretation. It is a simpler process and requires no consultation, examination or referendum. This, however, would not be classed as 'remaking' your NDP and therefore, the adoption/made date of the original plan would remain the same.

### Material Modification

A material modification would be considered as a change which does not alter the overall strategy of the plan but adds additional details to the existing policies. This method would require a Regulation 16 consultation to be undertaken and an examination. The parish council and Herefordshire Council need to submit a statement to the examiner indicating whether they consider the modifications to be of a material or substantial nature. This may require a referendum or could progress straight to being 'made' dependant on the examiners decision.

### Substantial Modification

If you are considering including additional site allocations, a new or changes to a settlement boundary or new policy areas, then this would constitute a substantial review. The plan would be required to follow the same process as your first neighbourhood plan i.e. Regulation 14, Regulation 16, examination and referendum. The plan will require a successful referendum result in order to be made.

## **10. Is the recommendation to pause and wait for Herefordshire Council to decide on their progress with the Local Plan before progressing with an NDP?**

Yes, the recommendation is to pause on NDP drafting. The 27,260-housing target must be apportioned at a strategic level across the city, towns and rural areas and ultimately be in line with the new Local Plan. There is an emphasis on sustainable locations for growth as part of the new NPPF and this needs to form part of the options for growth in the new Local Plan. Further consultations on spatial options will be undertaken to determine how this growth will be planned for.

## **11. If a parish does want to progress with its NDP what is required?**

Any group wishing to progress their NDP will need to take into account the NPPF December 2024 and the significant change in circumstances that affects housing

requirements. Therefore, the authority can only provide an indicative housing need figure ahead of its own apportionment across the county if requested to do so. The need figure will be based on the best available housing need figure at the time of the request. This will be based on the latest information on housing stock for the parish. The standard method formula used to calculate the countywide need figure will be applied to parish level.

This figure could be subject to a further increase as until such time as the council has undertaken detailed work to inform potential strategies and growth apportionment, the level of growth for individual parishes will not be known. Therefore, the parish standard method figure may mean there is too much uncertainty at this point in time and you may not wish to proceed on this basis.

#### **12. Can work continue in the background if parishes want to continue?**

There may be scope for groups to do background work in preparation for future drafting of an NDP but undertaking formal stages of consultation are not recommended. The only exception being for those that have reached Regulation 15 as per the transitional arrangements.

#### **13. What support will Herefordshire Council provide for NDP's going forward?**

While a dedicated Neighbourhood Planning team no longer exists, each member of the Strategic Planning team understands Neighbourhood Planning and will work with parishes across Herefordshire to ensure that there is a continuing level of support. Officers will be available to answer questions and conduct scoping reports in the first stages of plan development. They will then support the NDP group through the various stages of plan production, such as checking for conformity and organising consultations as has been done in the past. [The Service Level Agreement \(SLA\)](#) for parishes has now been updated and one important change is that Herefordshire Council are no longer able to provide SEA and HRA assessment of draft NDPs. Currently, there is technical support funding available for external parties to complete these assessments and you can find out more about funding for NDPs on the [Localities website](#).

#### **14. Will the provision of infrastructure keep pace with these housing numbers?**

Once the target has been apportioned at a strategic level across the city, towns and rural areas then it will be clear what the infrastructure requirements will be. An Infrastructure Delivery Plan will be produced and sit alongside the Local Plan.

#### **15. Is the affordability factor different for rural areas?**

The affordability factor in the standard method need calculation is based on a set ratio covering the entire authority area, this does not differentiate between the city, towns or rural areas.

Going forward, the council is applying for the county's rural areas to be subject to a "Rural Area" designation under the Housing Act, which would allow for lower site size thresholds (below 10) to trigger the requirement for affordable housing units, subject to viability testing.

#### **16. Does this mean that areas in the open countryside are at risk from development?**

Areas outside of the settlement lists in figures 4.14 and 4.15 of the Core Strategy remain classed as open countryside in planning policy terms. However, the council's lack of a 5 year housing land supply does now mean that the presumption in favour of sustainable development is employed when determining applications, and adopted policies relating to housing distribution are to be considered out of date. Therefore, locations considered sustainable under NPPF definitions may be subject to residential planning approvals.

A new rural settlement hierarchy will be formulated in the new Local Plan, outside of which will be considered open countryside.

**17. How is a Parish housing need figure calculated and when will these be released?**

This will be calculated using the new standard method that was used for the county, but instead using the baseline figure of 0.8% of existing housing stock within the Parish boundary. The figure returned will likely be higher than previously under this new method.

This can be requested at any time via email

**18. Can excess growth delivered previously in a Parish be taken into account when calculating new growth targets?**

No. This has to be treated as a new target as the NPPF indicates that it should be the latest evidence of housing need. Delivery and commitment of units that occur from the start of the plan period (1<sup>st</sup> April 2025) can be factored in.

**19. Does the proportional growth target take account of local services available?**

Sustainable development is emphasised in the NPPF. So likely the settlements with more services available will be the focus for future growth in the Local Plan 2025 - 2045.

For further queries please get in touch:  
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