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**Subject:** The Test Valley Draft Local Plan 2040 Regulation 18 Stage 2  
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This draft local plan (LP) was prepared before the National Planning Framework (NPPF) changes were announced on the 19th December 2023 which was launched together with a Ministerial statement by the Secretary of State (SoS). Therefore the Draft Local Plan has, so far, not been able to take advantage of the changes in the NPPF. It will need amendment in order to take advantage of the changes.

Emphasis is now on a plan led system ensuring and that a LP is a plan for the locality and not just a housing plan.

There is no longer a need to demonstrate a 5 year housing supply if the Local Plan is up to date and there is a demonstrated land supply at the end of Regulation 19.

There is to be a reduction to a 4 year housing supply for decision making purposes where the plan has reached Regulation 18 stage, together with a policy map and site allocation

The key changes to National Planning Policy that should be considered for the Draft Local Plan are :

#### Local Plan Housing targets

Paragraph 11 of the NPPF requires Local Planning Authorities (LPAs) to meet their objectively assessed needs (OAN) for housing unless other national priorities provide “a strong reason for restricting the overall scale, type or distribution of development in the plan area”.

The OAN for each local planning area is set nationally through a ‘standard method’. There has been much criticism of the methodology itself, especially in terms of the use of significantly out of date demographic data but there have also been considerable concerns about its interpretation and rigid application at local plan examinations.

In August 2020 after a consultation, the government decided not to change the date of the "standard method" from the 2014 but did take the opportunity to clarify that "the standard method does not present a "target" in plan-making but instead provides a starting point for determining the level of need for an area, and it is only after consideration of this alongside the constraints areas face and the land that is actually available for development, that a decision on how many homes is planned, is made". This was subsequently reiterated in the December 2022 consultation on proposed changes to the NPPF.

This means that, for the purposes of plan making, the standard method is a target used to develop a local plan's housing provision which may be different, once national and local policies, where justified, have been applied.

Despite this clarification and the very clear caveat set out in Paragraph 11 of the NPPF, since the introduction of the standard method, it has proved very challenging for LPAs to achieve a ‘sound’ local plan with a local plan target that is less than the nationally set target. That said, this has not been tested by many councils as the risks of failing at the last hurdle following a lengthy and expensive process, have been considered too great.

In many areas, this has resulted in local plan housing targets that are much higher than are

justified or needed and significant challenges in meeting these in full without compromising other national policy priorities. In Test Valley this compromise, under the figures quoted for housing numbers in the draft plan, is the further contamination of the important rivers in the area especially that of locally considerable illegal sewage spillage due to a lack of proper sewage facilities.

The revised NPPF now states clearly that the standard method should be treated as “an advisory starting-point for establishing a housing requirement for the area”.

The accompanying Written Ministerial Statement (19th December 2023) clarifies this further, stating that the “standard method for assessing Local Housing Need ensures that plan-making is informed by an unconstrained assessment of the number of homes needed.”

This is therefore not considered to be new national policy but simply clarifies the status of the standard method which may allow a more flexible interpretation and testing through the examination process. This was again confirmed by the Minister, Lee Rowley, on the 24th January when, during a House of Commons Debate on the NPPF, he stated “we have been consistently clear that the standard method is a starting point for local authorities in assessing what to plan for and that it does not set a mandatory target. The framework now sets that out in national policy. Local authorities should be in no doubt that the outcome of the standard method is an advisory starting point for establishing housing requirements through plan-making.”

Therefore, there needs to be an updated Local Plan taking into account the clarification, not only the housing figures but on the effects of development on the environment, especially local rivers. Para 11 i of the NPPF states that the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of the development in the plan area (see note 7). There are already constraints on development in Test Valley because of the problems of nutrients and a sewage system unable to cope with current levels of development and yet no constraints appear to be included in the LP nor is there any strategy to ensure sewage is brought under effective legal control.

Another area in the Draft Local Plan that needs further consideration is the Duty to Cooperate. Although it is not enacted yet under the Levelling Up Bill, the Duty to Co-operate is to be abolished and replaced by an "alignment test". This, it is understood, will reduce pressure of neighbouring Local Authorities to take some of their housing numbers. It is not clear from the draft Local Plan if this will affect housing numbers in Test Valley.

At Examination in Public of Local Plans by Inspectors, Planning Policy Guidance (PPG) has been quoted for various areas of planning. However PPGs are just that - guidance on how to implement national policy. The NPPF is law and it is what it says and how it is implemented by LPAs which is a matter of professional judgement by Councillors advised by Officers (The Guildford judgement 2019). The Inspector may not agree with the plan but that does not make him/her right and the LPA wrong.

The NPPF has some conflicting messages but should be read as a whole and professional judgements made. At a recent meeting with the Housing and Planning Minister, Lee Rowley MP, on 5th March a senior civil servant who was also present made it clear that PPGs were currently being revised as a result of the new NPPF and the Secretary of State's Ministerial Statement.

With still some uncertainty and a need to take account of both the NPPF of December 2023 and the Ministerial statement, there needs to be further consideration given to the housing

numbers and especially their effect on an inadequate and illegal sewage system.  
This should lead to a revision of the Draft Local Plan and further consultation.

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