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HOUSING DELIVERY TEST AND NPPF - THE KEY CHANGES

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The long-anticipated Housing Delivery Test results have now been published (19th February 2019), alongside an updated National Planning Policy Framework (NPPF).

The publishing of these changes reflects the push from National Government to increase housing delivery across the country and introduces new mechanisms in an attempt to enforce this.

Outcomes from the Housing Delivery Test 2018

The Housing Delivery Test (HDT) measures the net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data.

The HDT has been introduced to monitor the build out rates of sites which have planning permission in each local planning authority (LPA) in an attempt to ensure that the supply of housing is maintained. LPAs which fail to meet key delivery rate milestones are required to take the appropriate action (as identified below) to combat the under delivery.

The NPPF (2019) outlines the role that the HDT should play moving forward:


Paragraph 75 of the NPPF (2019) states: *'Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with*

national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.'

Paragraph 73c in combination with footnote 39 of the NPPF (2019), identifies that from November 2018, where housing delivery has been below 85% of the housing requirement over the previous three years, a 20% buffer should be applied in order to improve the prospect of achieving the planned supply.


95%

delivery of the housing requirement over the previous 3 years - action required



85%

delivery of the housing requirement over the previous 3 years - 20% buffer required



A total of 326 LPAs and one Development Corporation have been assessed on their build out rates and some of the key headlines are as follows:

Best Performing - Redditch with 2,046%

219 LPAs pass the 95% threshold identified in paragraph 75 of the NPPF meaning that no action is required.

21 LPAs subject to action plan only.

86 LPAs and the Development Corporation will need to apply a 20% buffer and prepare an action plan.

It should be noted that the vast majority of LPAs will be affected by the transitional arrangements to some degree.

Housing Delivery Test Results



Of those authorities located in the Oxford to Cambridge corridor, some of the LPAs which have room for improvement are as follows:

- East Cambridgeshire – buffer
- East Hertfordshire - buffer
- Huntingdonshire – action plan
- Milton Keynes – action plan
- North Hertfordshire – buffer
- South Cambridgeshire – buffer
- St Albans – buffer
- Three Rivers – buffer
- Welwyn Hatfield – action plan

Changes to the National Planning Policy Framework (2019)

The key changes to the NPPF (2019) from the NPPF (2018) are as follows:

Local Housing Need

Footnote 37 of the NPPF (2019) has been amended to provide clarification on the

method to calculate local housing need. It states that the standardised methodology should be used to calculate Local Housing Need where strategic policies are more than five years old, and have not been properly reviewed. The definition of Local Housing Need has been amended to include reference to the standardised methodology.

Notably, the definition of local housing need now also includes the caveat that there may be circumstances in which a justified alternative approach can be used to calculate local housing needs which reflects the content of Paragraph 60 of the NPPF and the updated Planning Policy Guidance (PPG 2A-003). Paragraph 60 states that *'exceptional circumstances justify an alternative approach, which also reflect current and future demographic trends and market signals'*.

The implication of the above is that many LPAs may attempt to argue that 'exceptional circumstances' apply to them in order to justify lower local housing need figures. As a result, we may see LPAs pursuing lower housing requirements in their strategic plans which in turn will frustrate the government's attempt to deliver 300,000 dwellings annually.

Definition of Deliverable

The definition of deliverable has been tweaked in the NPPF (2019) to make it clearer that non-major sites with outline consent should be considered deliverable unless there is evidence to suggest otherwise.

Development Requiring Habitats Regulations Assessment

Paragraph 177 of the NPPF (2019) has been amended to reflect the requirement for Habitats Regulations Assessment. It now states that: *'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'*

The Planning Policy Guidance (PPG) on 'Housing and economic needs assessment' has been updated (20th February 2019) to reflect the changes to the NPPF and the introduction of the HDT.

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