

Town and Parish Councils Planning Forum

28 July 2025

Local Plan Update

Local plan update

- New local plan system introduced by the 2023 Levelling Up and Regeneration Act (LURA)
- Shorter, more-focussed local plans to be produced within a 30-month timetable
- Regulations to be published – “*summer/autumn 2025*”
- National Development Management Policies (NDMP) to be published for consultation
- Council is focussing on background evidence gathering e.g. Housing and Economic Land Availability Assessment (HELAA)
- Progressing despite uncertainty about the new system and Local Government Reorganisation

Local plan update

“... residents and businesses depend on councils to provide vital services and continue the work necessary for creating successful new unitary councils. This is especially true for progressing local plans, to allocate land for the new homes we so desperately need. Accordingly ... I continue to expect local planning authorities to work towards the adoption of an up-to-date local plan as soon as possible. Local Government Reorganisation should not hinder this essential work; and neither should the introduction of the new legal framework for local plan-making later this year, or our strategic planning reforms.”

Jim McMahon, Minister of State for Local Government and English Devolution,
House of Commons, 3 June 2025

Five-year housing land supply

Background

- National Planning Policy Framework (NPPF) 2024: *“Local planning 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 set out in adopted strategic policies”*.
- Forward-looking test for the next five years
- Based on assumptions about future delivery that could be challenged at appeal if not adequately evidenced
- Also need to add 5% or, if there is under-delivery, a 20% buffer.
- Where the five-year requirement cannot be met, the ‘presumption in favour of sustainable development’ should be applied



Results

Component	Number of homes
a) Five-year requirement (local plan total)	= 4,425 (5 x 885)
b) Current shortfall	= 626 homes
c) 20% buffer	= 1,010
d) Total	= 6,061
e) Yearly requirement	= 1,212
f) Five years of identified sites	= 3,783

Supply equivalent to 3.1 years

Consequences

‘Presumption in favour of sustainable development’

- Policies considered most important for determining applications are considered “out-of-date”.
- Presumption in favour of granting planning permission unless:
 - Assets protected in NPPF (SSSI, National Landscapes) or defined (Heritage Coast, irreplaceable habitats, heritage assets) provide a “strong reason for refusing the development proposed”; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Heritage Strategy

- Strategy was updated for new legislation and to ensure data is correct.
- It was reduced in size to make it more accessible.
- Strategy comprises:
 - Main strategy document of 20 pages
 - 13 detailed theme papers now separated to become an online resource.



Consultation and Evaluation

- The consultation exercise launched 24th February
- Three broad categories of results:
 - *Suggested minor changes*
 - *Detailed changes and suggested new Themes*
 - *Specific comments*

Next Steps

- Amendments to the Strategy.
- Creating a Heritage web page.
- Create a 'Local List'.



PPG:

“A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.”

Design Codes

Design Codes

- Tools to set out rules and expectations for the built environment, including buildings, streets and larger developments to achieve high-quality places
- Increasingly important in the planning system, particularly for larger applications
- Previous government published National Model Design Code (2021) setting out structured process for code-making, comprising Analysis, Vision and Code

Design Codes

- Joint bid by East Kent authorities (Ashford, Canterbury, Dover, Folkestone & Hythe and Thanet) resulted in award from previous government's Planning Skills Delivery Fund (PSDF)
- Taken forward by new government – emphasis on areas of change rather than entire district
- Architects BPTW appointed to produce design codes for East Kent
- BPTW previously produced design code for Chatham

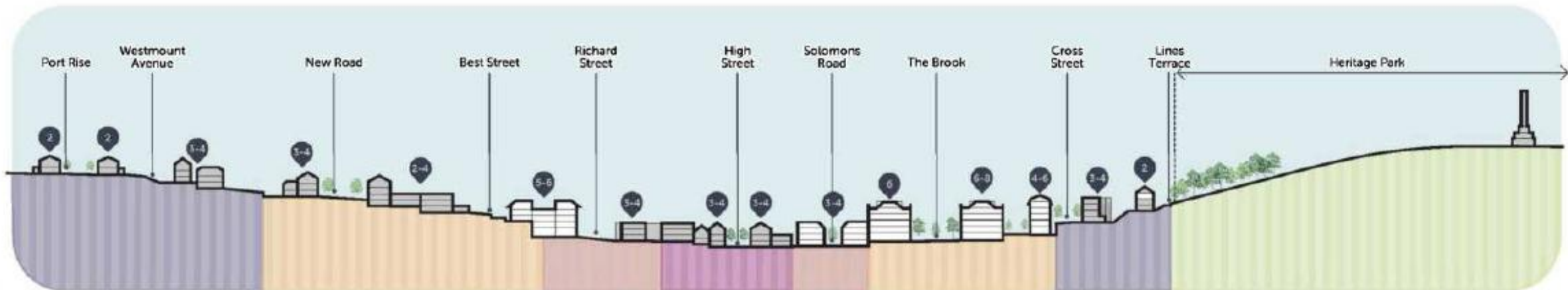


Fig.71 The 'Chatham Bowl' - Street Section

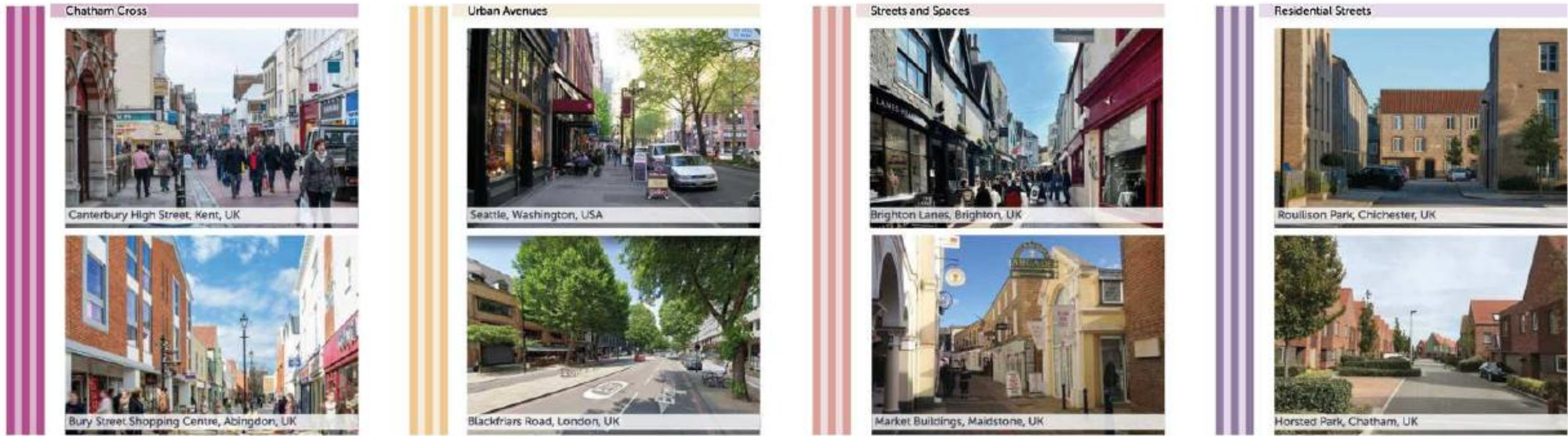


Fig.72 Precedents of Area Types

Design Codes

- Currently in early analysis and design vision stages
- The council will be setting up a Community Panel to see what the priorities are for the different communities and places of the district to inform the Design Code
- Contact us if you would be interested in joining the Panel
- There's no need for design skills or planning knowledge, just enthusiasm and interest in improving the quality of new developments and spaces

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Questions?

National Landscapes

S.85 of the CROW Act 2000

National Landscapes July 2025

What is the revised duty in the Countryside & Rights of Way Act?

What does this mean for Local Planning Authorities?

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S.85 of the Countryside and Rights of Way Act 2000 previously stated that:

*“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall **have regard** to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*



What is the revised duty in the Countryside & Rights of Way Act?

S.85 of the Countryside and Rights of Way Act 2000 was amended by the Levelling Up and Regeneration Act 2024 such that it now states that:

*“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority....**must seek to further** the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*

What does this mean for Local Planning Authorities?

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- Lack of clarity in legislation
- Initially, at least, lack of guidance from government
- National Landscape Units issued guidance but – took a literal and rigid approach to the wording and therefore the requirements of the duty
 - E.g. Local Planning Authorities should improve all proposed developments in or in the setting of the NL, regardless of whether the proposals conserved or enhanced the natural beauty of the area

What does this mean for Local Planning Authorities?

- The NPPF, at paras 187-191 sets out how LPAs should consider proposals which affect NLs. The NPPF was not revised in light of the amendments to the CROW Act 2000, and the courts have held that its requirements are consistent with the revised duty.

Great weight should be given to conserving and enhancing landscape and scenic beauty in...

National Landscapes which have the highest status of protection in relation to these issues



What does this mean for Local Planning Authorities?

The requirements of the revised duty have since been clarified in 3 significant High Court Judgements:

New Forest NPA v Secretary of State for Housing, Communities and Local Government & Mr Simon Lillington

CPRE (Kent) v Secretary of State for Housing, Communities and Local Government, Tunbridge Wells BC and Berkeley Homes Ltd

Wadhurst Parish Council v Secretary of State for Housing, Communities and Local Government, Wealden DC & Elite Leisure Ltd



Folkestone & Hythe
District Council

What does this mean for Local Planning Authorities?

- The duty is expressed in qualified terms – to “seek” to further. The LPA is not under a duty to fulfil these purposes.
- To “further” a stated purpose is to promote or facilitate that purpose. The duty requires more than merely weighing the effect of the proposed development on the purposes in the overall balance.
- In order to discharge the duty, the LPA must determine whether the proposed development is consistent with the promotion of the statutory purposes.

What does this mean for Local Planning Authorities?

- There is no requirement for any development to conserve AND enhance. A proposal which leaves the natural beauty etc unharmed provides a proper basis for the decision maker to conclude that the duty has been discharged.
- The duty is not determinative – the decision maker is not bound to refuse permission on any application where they are unable to discharge the duty (i.e. where there is harm).

What does this mean for Local Planning Authorities?

- The duty “to seek to further” the purposes necessarily invests the planning decision maker with the responsibility to judge, firstly, whether the planning application before them for decision proposes development which interferes with the fulfilment of those purposes; and if it does, whether and if so why the grant of planning permission is justified.

What does this mean for Local Planning Authorities?

In approving development in the NL the LPA should:

- Have concluded that the proposed development would, as a minimum, not cause harm to the scenic quality, natural beauty, etc of the NL (conserve); or
- Having determined that the proposal would cause harm, considered the specifics of the proposals, the extent and severity of the harm, any mitigation, compensation, imposition of conditions etc, balanced these against any benefits arising from the proposals, conclude that the harm is not sufficient to warrant refusal



What does this mean for Local Planning Authorities?

In refusing development on the basis of impact on the NL the LPA should:

- Having determined that the proposal would cause harm, considered the specifics of the proposals, the extent and severity of the harm, any mitigation, compensation, imposition of conditions etc, balanced these against any benefits arising from the proposals, conclude that the harm is sufficient to warrant refusal

What does this mean for Local Planning Authorities?

In order to discharge the duty, the LPA does NOT need to:

- Secure development which both conserves AND enhances the natural beauty of the NL; or
- Require applicants to provide mitigation if development has no discernible impact and does not give rise to any material harm

What does this mean for Local Planning Authorities?

What has changed?

- Instead of “having regard to” LPAs must now “seek to further” – a bolstering of the requirements placed on decision makers.

What does this mean for Local Planning Authorities?

BUT:

- Does not mean that development must simultaneously conserve and enhance the natural beauty of the NL
- Does not mean furthering the purpose has to be achieved or permission must be refused.

Questions?