

Report of the Portfolio Holder for Growth and Regeneration

Subject: Response to Government consultation – Levelling-up and Regeneration Bill: reforms to national planning policy.

Date: 16th. February 2023

Author: Planning Policy Manager

Wards Affected

Borough-wide

Purpose

To gain portfolio holder endorsement of Gedling Borough Council's proposed response contained in **Appendix 1** to the Government consultation on changes to the National Planning Policy Framework (NPPF). The consultation response is required to be submitted by 2nd March 2023.

Key Decision

This is not a Key Decision

Recommendation(s)

THAT:

- 1) The Portfolio Holder approves the proposed response to the consultation on proposed changes to the NPPF – as set out under the relevant questions reproduced in Appendix 1.**

1 Background

- 1.1** The government is currently proposing and consulting on a number of revisions to the National Planning Policy Framework (NPPF). The consultation document states that these changes will allow the swift delivery of the government's commitments to building enough of the right

homes in the right places with the right infrastructure, ensuring the environment is protected and giving local people a greater say on where and where not to place new, beautiful development.

- 1.2 The consultation includes draft revised text for the NPPF to be made as “speedy” changes by Spring 2023 and a proposed direction of travel involving a fuller review of the NPPF in due course. These changes complement the Levelling-up and Regeneration Bill which amongst other provisions will usher in a new system of local plans. The Bill is anticipated to receive Royal Assent in the Spring of 2023 with implementation being dependent upon secondary legislation meaning that the new system of local plan procedures would be expected to come into effect in late 2024.

- 1.3 Immediate changes to update the NPPF (subject to the consultation) include:
 - To make clear how housing figures should be derived and applied so that communities can respond to local circumstances;
 - To address issues in the operation of the housing delivery and land supply tests;
 - To tackle problems of slow build out;
 - To encourage local planning authorities to support the role of community-led groups in delivering affordable housing on exception sites;
 - To set clearer expectations around planning for older peoples’ housing;
 - To promote more beautiful homes, including through gentle density;
 - To make sure that food security considerations are factored into planning decisions that affect farm land; and
 - To enable new methods for demonstrating local support for onshore wind development.

- 1.4 The proposed changes to the NPPF are accompanied by a series of questions. The Council’s proposed response to these questions is contained in **Appendix 1**. The proposed changes to the NPPF which are to come into effect in Spring 2023 subject to the consultation are compared to the existing (2021) NPPF in **Appendix 2**.

Proposed changes to the NPPF

- 1.5 The proposed changes to the NPPF are summarised below. **Appendix 1** reproduces the Government's questions and the Council's draft response. In summary, the key proposed changes are as follows:

Housing

- 1.6 Government remains committed to the target of providing 300,000 homes per year by the mid-2020s although this is to be reviewed once new household projections become available in 2024. Changes to the standard method for calculating local housing need are to be consulted on in due course.
- 1.7 Government proposes three changes relating to matters that may need to be considered when assessing whether a plan can meet all of the housing need identified locally as follows:
- Evidence that meeting need would result in a density which would be significantly out of character with the local area;
 - Local authorities are not required to review and alter Green Belt boundaries if this would be the only way of meeting housing need in full, although they would retain the ability to do so; and
 - Past over and under delivery of homes should be taken into account when preparing a new plan and deducted/added to any subsequent target.
- 1.8 Effectively, the decision to review Green Belt boundaries will rest with the local planning authority with consequential long term implications for future development land supply. The consultation specifically requests views on this proposed change and the potential implications for Gedling are set out in response to Q9.
- 1.9 The 35% urban uplift for the 20 largest towns and cities is to be maintained and required, as far as possible, to be met by the towns and cities concerned. The consultation seeks views on how, if at all, neighbouring authorities should consider the urban uplift applying where those authorities function as part of the same housing market area. The urban uplift applies to the 20 largest urban areas including Nottingham.
- 1.10 More specialised housing for older people, more emphasis on social rent, increased provision and encouragement for smaller sites to come forward are also part of the proposals. *These are generally welcome clarifications.*

Duty to Cooperate

- 1.11 The duty to cooperate is proposed to be dropped and replaced with an “alignment policy” as part of a future revised NPPF. *It is presently unclear as to the nature of what the “alignment” policy would entail.*

Five Year Housing Land Supply

- 1.12 In order to incentivise Councils to prepare and maintain up to date Local Plans the requirement for Councils to publish a five year housing land supply assessment would be dropped where plans are less than five years old. The current buffers in the NPPF of 5%, 10% or 20% on top of the five year supply as a contingency are to be removed.
- 1.13 Changes are also proposed for the Housing Delivery Test to take into account permissions granted to avoid the situation where local planning authorities would be unfairly penalised when slow housing delivery results from developer behaviour. *This change is welcomed.*

Local Plans

- 1.14 Increased weight is to be given to adopted plans which are to be produced more quickly and their content simplified. The Government considers its proposals would result in a more effective system that is easier to engage with, give greater certainty and provide communities with a greater say.
- 1.15 Changes to the soundness test are proposed, dropping the need for plans to be justified. Evidence would still be required but should be more proportional. There are also proposed amendments to the ‘positively prepared’ test in that LPA’s only need to meet objectively assessed needs ‘so far as possible’ and removing the requirement to satisfy unmet need from neighbouring authorities. *The recognition of a more proportionate evidence base in support of local plan preparation is particularly welcomed.*

Asking for Beauty

- 1.16 There are numerous references to seeking beautiful development as an outcome. Conversely, reference is made to refusing “ugliness”. *It is considered that these terms are somewhat subjective and potentially open to a wide degree of interpretation.*

Renewable energy and climate change

- 1.17 Proposals include references for local planning authorities to have more flexibility in relation to determine planning application for the repowering or refit of existing on shore wind energy generation facilities (as it is

anticipated many existing turbines will be coming to the end of their operational lives). The consultation proposes that local planning authorities should approve applications for repowering and life-extension of existing renewables sites where its impacts are or can be made acceptable. Any impacts would need to be considered in relation to the baseline conditions existing on site.

- 1.18 For new wind energy development proposals, more flexibility is provided for local planning authorities to grant permission through Local Development Orders or Neighbourhood Development Orders provided it can be demonstrated that the planning impacts are appropriately addressed and the proposal has community support. Local planning authorities may also identify areas as suitable for wind energy development in supplementary planning documents where the local plan includes a policy supporting renewable energy. Planning applications may be granted for wind energy development in such locations where following consultation it can be demonstrated that planning impacts can be satisfactorily addressed and the proposal has community support.
- 1.19 There are various references to how the planning system can help adapt to and mitigate for climate change which are likely to be the subject of further consultation.

Transitional Arrangements for Local Plans

- 1.20 Transitional arrangements allow:
- Local planning authorities to continue to prepare local plans under the current system provided they are submitted for examination by June 2025. These plans would need to meet existing statutory duties such as the Duty to Cooperate but would be able to take into account the proposed policy changes to the NPPF anticipated from Spring 2023, such as the increased flexibility on housing numbers;
 - Local authorities with an adopted plan less than 5 years old at the anticipated start date of the new system in late 2024 would not be expected to prepare a new plan under the new arrangements straight away but would need to commence one within five years of the local plan adoption date;
 - Those local planning authorities with a local plan that is more than five years old when the new system comes into force would be expected to start preparing a local plan immediately. *This is the*

position for Gedling Borough Council as the Aligned Core Strategy, being the strategic plan that sets housing targets, was adopted in September 2014. Hence work on the preparation of the Greater Nottingham Plan is continuing.

More Build Out

- 1.23 Incentivising build-out: development commencement notices are proposed to be introduced, plus more powers for authorities to issue Completion Notices – that if development is not completed within a set period the planning permission will lapse, with the authority able then to consider performance against delivery in subsequent applications by developers when entertaining their applications. Developers would be required to report to local planning authorities on their progress to meet their housing trajectories submitted at the commencement of the scheme. *There are concerns here in relation to both resource issues in local authorities and in the interpretation of performance in determining what is and what is not within the developers' control. It is therefore unclear how the proposals would work in practice.*

National Development Management Policies

- 1.24 The Levelling-up and Regeneration Bill proposes to give national development policies the same status as the adopted Local Plan for the purpose of determining planning applications. The text in the Bill states: “regard is to be had to:
- (a) the development plan, and
 - (b) any national development management policies”.
- 1.25 Where there is a conflict between the local plan and any national development management policy the conflict must be resolved in favour of the latter. The consultation paper seeks views on the scope and likely content of national development management policies. *In general the case for a suite of national planning development management policies covering issues of national planning importance such as Green Belt is a strong one. However, there are potential concerns about how quickly such policies could come into force and how they would be consulted on, potentially trumping local plan policies which have been subject to local consultation.*

2 Proposal

- 2.1 It is proposed that the Council responds to the Government consultation with the responses to the questions posed by the Government on

changes to the NPPF as set out in **Appendix 1** in advance of the consultation deadline of 2nd March 2023.

3 Alternative Options

- 3.1 The alternative options are for Gedling Borough Council not to respond to the consultation or to amend the drafted response. There is no requirement for the Council to respond to this public consultation but doing so will inform the Government's planning reform proposals from the Council's perspective. The draft response provided has been informed by the relevant Council Officers and can be amended if the Portfolio Holder considers it necessary to do so.

4 Financial Implications

- 4.1 No financial implications. Cost of officer time drafting the response is met from existing budgets.

5 Legal Implications

- 5.1 None. This is an opportunity to comment on potential planning reforms, which have not yet come into force.

6 Equalities Implications

- 6.1 None. This is an opportunity to comment on potential planning reforms which have not yet come into force. The consultation questions include an opportunity to comment on the potential equalities implications of the proposals.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 None. This is an opportunity to comment on potential planning reforms, which have not yet come into force. There is an opportunity, through comments on the consultation questions, to comment on the potential carbon reduction/environmental sustainability implications of the proposals.

8 Appendices

- 8.1 **Appendix 1** – Proposed consultation response to the NPPF

Appendix 2 - Comparison of NPPF 2021 and NPPF 2022: draft text for consultation

9 Background Papers

- 9.1 Levelling-up and Regeneration Bill: reforms to national planning policy:

[Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)

National Planning Policy Framework: draft text for consultation:

[National Planning Policy Framework: draft text for consultation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/consultations/national-planning-policy-framework-draft-text-for-consultation)

10 Reasons for Recommendations

- 10.1 To inform the Government of the Council's perspective on proposed planning reforms.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer