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| REPORT TO: | ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE | AGENDA ITEM: 7 |
| DATE OF MEETING: | 02 MARCH 2023 | CATEGORY: (DELEGATED or RECOMMENDED |
| REPORT FROM: | STRATEGIC DIRECTOR (CORPORATE RESOURCES) | OPEN |
| MEMBERS' CONTACT POINT: | AMANDA VERNON PLANNING POLICY TEAM LEADER, 07919 897691 AND amanda.vernon@southderbyshire.gov.uk | DOC: |
| SUBJECT: | THE DEPARTMENT FOR LEVELLING UP, HOUSING AND COMMUNITIES CONSULTATION ON THE REFORMS TO NATIONAL PLANNING POLICY | |
| WARD(S) AFFECTED: | ALL | TERMS OF REFERENCE: (|

1.0 Recommendations

- 1.1 For Members to approve the submission of a response to consultation in line with officer recommendations (detailed in Appendix 1).

2.0 Purpose of the Report

- 2.1 To present the details of the current Department for Levelling Up, Housing and Communities consultation on reforms to national planning policy. To consider the implications of the proposed amendments to South Derbyshire District Council, to approve a response to the consultation (detailed in Appendix 1) and approval for submission.

3.0 Executive Summary

- 3.1 This consultation details several interim changes to planning policy that are proposed to be introduced in the Spring of this year with more substantial changes to follow (following further consultation).
- 3.2 Cooperating effectively with neighbouring authorities on cross-boundary strategic issues (including how housing need is met) is to be retained and remains an important part of the plan making process.
- 3.3 Changes detailed in the current consultation incentivises Councils to have an up-to-date local plan in place and affords some level of protection against further development where Councils have granted permissions for new development that are not being delivered.

3.4 There are several proposed future changes to the local plan process with the ambition to make it quicker and more streamlined so that plan preparation is limited to 30 months. The Council is currently undertaking a two part plan process with the first part (containing strategic policies) expected to be adopted under the existing system and with the second part of the local plan (non-strategic issues) to be delivered under the new system post the 2025 deadline.

4.0 Detail

4.1 The Levelling-up and Regeneration Bill was published in May 2022, it is currently passing through parliament. To support the Bill the government are consulting on reforms to National Planning Policy Framework (NPPF). The consultation was published on the 22 December 2022 and runs until 2 March 2023.

4.2 The NPPF was introduced in 2012 and consolidated existing planning policy and guidance into a single document. The NPPF provides a framework for local plan production and is a material consideration when determining planning applications, there is an expectation that plans will be consistent with the policies contained within it and the Council has a statutory duty to have regard to these national policies. The Framework is also a 'material consideration' in decision-taking. Since 2012 the NPPF has been revised numerous times

4.3 The current consultation contains proposed interim amendments to the NPPF (due to be implemented in the Spring) in advance of more substantial changes expected at a later date. The 58 consultation questions relate to both the interim amendments and scope opinions in advance of further consultation. Details the proposed specific text changes to the NPPF, the government's justification for making the changes, a summary of the possible implications for South Derbyshire, the consultation questions and a suggested response from the Council are set out in detail in Appendix 1 and full tracked change copy of the proposed NPPF is available in Appendix 2. A summary of the proposed key issues is detailed below.

4.4 Proposed amendments to the way in which the five-year housing land supply is calculated (removal of buffers and an oversupply allowance), when the Housing Delivery Test consequences apply (115% homes granted permission against requirement), five year 'grace periods' for not having to review a five-year housing land supply to apply to up-to-date Local Plans and Neighbourhood Plans and the proposal to lower the land supply requirement to four years for emerging local plans that have met specific progress thresholds should all mean that the 'tilted balance' towards presumption in favour of sustainable development applies less often and supports a plan-led system.

4.5 The Standard Methodology for calculating housing need has been retained as the preferred approach for calculating the minimum number of homes required unless exceptional circumstances (related to the particular characteristics of an authority) for using an alternative method can be demonstrated. How the exceptional circumstances are defined is the subject of the consultation. There is new explicit reference that the Standard Methodology should be the starting point for establishing the housing requirement and that the requirement might be increased dependent on accommodating provision for neighbouring authorities or growth ambitions. The consideration over-delivery against plan requirements is also proposed which would reduce the future requirement in a new plan. The consultation is also seeking views on whether Green Belt boundaries and/or building at densities out-of-character with the existing area should be considerations when determining whether housing need should be met.

- 4.6 The Standard Methodology retains the 35% Urban uplift for authorities in the top 20 most populated cities and urban centres (which includes Derby). There is new explicit reference that the uplift should be accommodated within the cities and urban centres themselves unless it would conflict with the policies in the framework and legal obligations. There is also a new proposed footnote to this text which makes specific reference for the need to prioritise brownfield and other under-utilised sites including the need to optimise the density of development on these.
- 4.7 Although not included as part of this consultation it is expected that the existing legal obligation under the Duty to Cooperate (which remain in place until June 2025) will be replaced by an 'alignment policy'. It is expected that the new alignment policy will not be a legal obligation meaning that local plan will be able to proceed at examination where there is doubt over compliance. However, it is expected that the requirement for appropriate engagement between authorities over strategic cross-boundary issues will be maintained and the removal of it as a legal obligation will simply mean that any issues could be resolved as part of the local plan examination process. Further consultation on the alignment policy is expected in due course.
- 4.8 The consultation proposes changes to the 'soundness' tests against which local plans are examined. This includes the removal of the need for plans to be 'justified' and amendments to the 'positively prepared' test to remove reference that local plans should be informed by agreements with other authorities so that unmet need is accommodated. Decisions taken in local plans will still need to be justified and evidenced but the removal of this as a test at examination is expected to reduce some of the evidence gathering burden and to ensure that the evidence required is proportionate. It is currently expected that further consultation will be undertaken regarding the what the evidence requirement is.
- 4.9 The consultation proposes amendments to try to ensure that the right types of homes are delivered to meet specific local needs including reference to the type of older-person accommodation to be considered, identifying community-led groups as a means of delivery for affordable housing (particularly on rural exception sites) and asking for opinion on how they can be supported. The consultation questions the potential lack of weight given to Social Rented Affordable Housing provision within existing policy. The provision of Social Rented housing directly links to the Councils ability to meet the needs of the people waiting on the housing register. The consultation also questions how existing policy can be strengthened to encourage small sites to be delivered.
- 4.10 The consultation seeks to identifying ways in which slow delivery or irresponsible behaviour from the development industry can be addressed through the planning system. Whilst these can be significant issues and can have repercussions for the Council the suggested options (including attributing weight to historic irresponsible behaviour in planning decisions and publishing development data) is likely to introduce subjective judgements of planning applications based on the applicant rather than on the planning merits of the proposal. This is likely to lead to legal challenge (which would have resource and cost implications) and will make the planning process more complex and could hinder delivery of required development and infrastructure.
- 4.11 The importance of well-designed 'beautiful' developments is recognised as an important issue. The term 'beautiful' is proposed as being inserted into the policy albeit that this is a subjective term, and the impact of this amendment may be limited as a result. The proposed amendments also includes the need for explicit reference

to specific plans, drawings, and approved materials in planning conditions to make enforcement easier, this is something that is already undertaken by the Council. In addition to the existing general policy support for upwards extensions specific reference to mansard roofs is being proposed to increase density of development. The consultation also seeks to identify whether more emphasis should be given to making sure that women, girls and other vulnerable groups feel safe in public places.

- 4.12 The consideration of high value farmland through the site selection process has been strengthened through the proposed consultation document. The consultation is also seeking views on the how national policy can be strengthened to support small-scale nature interventions to increase biodiversity, climate change adaptations and flood-risk management including using nature-based solutions and what methods could be used assess the carbon demand created from the planning process.
- 4.13 The government have outlined that they need to ensure that energy is cheap, reliable and secure and as such have amended the existing policy to support the re-powering and maintenance of existing wind turbines and the development of new wind turbines where they have community support. Amendments are also proposed to give significant weight to the adaption of existing buildings to improve their energy performance.
- 4.14 It is proposed to introduce a suite of National Development Management Policies (NDMPs). The policies would form part of the local plan and planning decisions would be expected to be taken in-line with them. It is proposed that the NDMPs would reflect national priorities where evidence to support policies would be difficult to gain at a local level (e.g.net zero policies), to 'close gaps' where existing national policy is silent (e.g., carbon reduction in new developments, allotments and housing in town centres and built-up areas) and would be limited to key nationally important planning issues. Whilst the government has committed to introduce NDMPs this consultation aims to ascertain the scope and principles for the proposed future policy, there is no detail as to the content of the policies and further government consultation is expected on this issue.
- 4.15 Based on the current Local Development Scheme it is expected that the Council will have its Part 1 Local Plan adopted under the existing local plan system (the cut-off for submission of a plan under this system is June 2025) whereby the Duty to Cooperate will still apply. However, its likely that the Part 2 Local Plan will be produced under the new style system which is expected to come into force late 2024 (the details of which the details are emerging/remain to be consulted upon), it is expected that this part of the plan will be more streamlined and as a result it is an expectation that it is adopted within 30 months. Following this, given the 30-month period for Local Plan production, it is likely that the local plan will need to be produced as a single document.
- 4.16 Under the current proposals the Council will no longer be able to prepare a Supplementary Planning Documents (SPDs) when the new system comes into force in late 2024. Existing SPDs will only remain in force until the Council adopts a new-style plan (likely to be the Part 2 Local Plan). This is likely to have significant resource implications and will affect the Councils ability to flexibly respond to changes in national policy and regulation. Given the proposals for national development management policies it is considered important for the Council to be able to prepare local guidance (in the form of an SPD) to lessen the need to duplicate policy at a local level. Supplementary Plans are the proposed replacement for SPDs, these have the same weight as a local plan (whereas SPDs are simply policy

guidance documents) however they do have to go through an examination process and so will be more onerous and subsequently slower to prepare.

- 4.17 The consultation also seeks to identify any future opportunity to deliver the levelling up agenda, increase development on brownfield land within city centres and is keen to understand how planning policy can make use of more accessible, web-based platforms.

5.0 Financial Implications

- 5.1 None directly arising from this report.

6.0 Corporate Implications

Employment Implications

- 6.1 None directly arising from this report.

Legal Implications

- 6.2 None directly arising from this report.

Corporate Plan Implications

- 6.3 The Councils response to the consultation subsequent influence over changes to national planning policy has the potential to assist the Council achieve better environmental outcomes including enhancing biodiversity, improving public space and supporting renewable energy generation.
- 6.4 It will also support economic growth and infrastructure by ensuring the provision of a wide range of homes, the attractiveness of new development and that development is delivered in the most sustainable locations.

Risk Impact

- 6.5 None directly arising from this report.

7.0 Community Impact

Consultation

- 7.1 None.

Equality and Diversity Impact

- 7.2 None directly arising from this report.

Social Value Impact

- 7.3 None directly arising from this report.

Environmental Sustainability

7.4 None directly arising from this report.

8.0 Conclusions

8.1 A response in line with the officer recommendations detailed in appendix 1 should be submitted to the Department for Levelling Up, Housing and Communities consultation on reforms to national planning policy.

9.0 Background Papers

APPENDIX 1:

APPENDIX 2: Tracked change version of the proposed changes to the NPPF

Notes:

- * Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision, or needs to refer it elsewhere with a recommendation.
- ** Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.
- *** Committee Terms Of Reference in [Responsibility for Functions - Committees](#).