

Report for: Strategic Planning Committee – 20 February 2023

Title: Recent Government Announcements on Planning

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Lead Officer: Bryce Tudball, Interim Head of Planning Policy, Transport, and Infrastructure

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non-Key Decision

1. Describe the issue under consideration

- 1.1 On 22 December 2022, the Government launched a consultation on reforms to national planning policy in relation to the Levelling-up and Regeneration Bill (LURB). The consultation seeks views on the Government’s proposed approach of updating the National Planning Policy Framework (NPPF) (with changes planned to take effect from Spring 2023). In addition, the consultation seeks views on the Government’s overall planning reforms, proposed approach to preparing National Development Management Policies (NDMPs) and how national planning policy is currently accessed by users.
- 1.2 This report provides information on the content of this consultation and invites comment. The response to the consultation must be submitted by 2 March 2023 and will be signed off by the Cabinet Member for Housing Services, Private Renters and Planning.

2. Recommendation

The Strategic Planning Committee is asked:

To note and discuss the Government’s proposed update to the National Planning Policy Framework (NPPF) and its proposed planning reforms.

3. Reasons for decision

Not applicable.

4. Alternative options considered

The Council could choose not to respond to the consultation but this is not considered appropriate as it would not ensure the Council’s views about some of the proposals are formally on record as part of the Government’s consultation.

5. Recent Government Announcements on Planning

- 5.1 In the past few years, there have been large numbers of Government announcements about forthcoming planning reform.

Planning for the Future: White Paper

- 5.2 In August 2020 the Government published the Planning for the Future White Paper for consultation setting out the Government's intentions and proposals for long-term reform of the planning system in England. The consultation was wide-ranging covering Local Plans, planning decisions and to a lesser extent implementation and enforcement. The Council submitted a response setting out opposition to a number of proposals and seeking re-assurance in relation to others.
- 5.3 Over 40,000 responses were submitted to the consultation and as a result there was a delay in the Government setting out its next steps. Initially the proposals were due to be delivered via a standalone Planning Bill, however that piece of legislation has since been scrapped with the Government confirming subsequently that the Planning White Paper has now concluded with no formal response.

Levelling-up White Paper

- 5.4 In February 2021 the Government published the Levelling Up White Paper setting out how it intends to spread opportunity more equally across the UK. The White Paper set out that the planning system in England would be reformed and indicated it would introduce legislation to Parliament to underpin in statute the changes fundamental to levelling up, alongside wider planning measures.

Levelling-up and Regeneration Bill

- 5.5 In May 2022 the Government published a Levelling-up and Regeneration Bill (LURB) together with a complementary policy paper. The explanatory notes to the bill explained that the "the new system will be based on the principles of beauty, infrastructure, democracy, environment and neighbourhood engagement". Full details of the Bill were provided in the 14 June 2022 report to this Committee.

Reforms to national planning policy in relation to LURB

- 5.6 On 22 December 2022 the Government published a consultation on reforms to national planning policy in relation to the LURB. The consultation seeks views on the Government's overall planning reforms and proposed approach of updating the NPPF. The consultation period ends on 2 March 2023 and the Government has advised that they will respond to the consultation in Spring 2023, adopting the NPPF revisions as part of this exercise.
- 5.7 The proposed revisions to the NPPF are significant, with the key proposals which would affect Haringey as follows:

- Discouraging “densities significantly out of character with the existing area” whilst also encouraging dense development on brownfield land where “density should be optimised”
 - Removal of requirement for Local Planning Authorities (LPAs) to continually demonstrate a deliverable five-year housing land supply, providing its housing requirement in its strategic policies is less than five-year years old (Haringey is subject to the strategic policies in the London Plan, the most recent version of which was adopted in 2021)
 - Changes to the tests of soundness for plan-making including removal of ‘justified’ test as part of a more proportionate approach to the examination of Local Plans
 - When establishing housing need, reference to older people is proposed to be widened to include retirement housing, housing with care and care homes.
 - Reference to giving significant weight to the need to support energy efficiency improvements through the adaptation of existing buildings, particularly large non-domestic buildings.
 - Regular additional referencing to supporting ‘beauty’ in design and placemaking and stronger emphasis on local design codes. This is consistent with previous Government announcements.
 - Detailed policy generally supporting the use of mansard roof extensions for upward extensions.
 - Planning conditions should link to plans which provide visual clarity about design and clarity about approved materials.
 - Transition arrangements for both plan making and decision making. A timeline for the transition to the reformed plan-making system is proposed following anticipated Royal Assent of the Bill.
- 5.8 Of note, there are proposed revisions to the NPPF which do not directly affect Haringey but which are likely to have a significant adverse implication for housing supply at a national level. These relate to the calculation of a LPA’s housing requirement having regard to the Government’s standard methodology (note: this methodology does not apply in London), the need to meet ‘objectively assessed needs’ and the provision of greater protection for the Green Belt.
- 5.9 Alongside the specific changes proposed to the NPPF, the consultation calls for views on wider range of proposals and signals areas that it expects to consider as part of a wider review of the NPPF to follow Royal Assent of the LURB. The Government states it will consult on the detail of these wider changes next year, reflecting responses to the consultation. These wider changes include:
- National Development Management Policies (NDMPs) which are intended to save LPAs from having to repeat nationally important policies in their own Local Plans, so that plans can be quicker to produce and focus on locally relevant policies. The Government is proposing that NDMPs are set out separately from the NPPF, which would be re-focused on principles for plan-making. When introduced, NDMPs would be national policy and become part of the formal ‘Development Plan’ with statutory weight to be attached to them.

- New ‘Neighbourhood Priorities Statements’ as a quick and formal way for Neighbourhood Forums to input into Local Plans
- Not allowing new Supplementary Planning Documents (SPDs) to be adopted, ceasing effect of all existing SPDs, and enabling new “Supplementary Plans” instead which require a formal examination
- Giving greater importance to “Social Rent” homes
- Taking into account as a material consideration in planning decisions an “applicant’s past irresponsible behaviour” and delivery trajectories
- A further revised NPPF refocused on plan-making policies
- Details of the “alignment policy” to replace the duty to cooperate with neighbouring authorities and statutory bodies regarding strategic and infrastructure matters
- Possible increases to planning fees
- Local Plans to be prepared within a shorter two years’ timeframe with increased community consultation
- More small sites for small builders and policies to boost build out rates
- Mandatory authority wide design codes
- Commitment to review the practical planning barriers that households can face when installing energy efficiency measures in their homes and how emissions can be better measured & reduced in the built environment
- The design of the new ‘infrastructure levy’ proposed to replace the Community Infrastructure Levy

5.10 The Planning Policy Team is currently drafting a comprehensive response to the consultation. Among other points this will set out:

- support for removal of five-year housing land supply requirement where a LPA’s strategic policies are less than five years old (this is the case in Haringey);
- support for a more proportionate approach to the examination of Local Plans
- support for giving significant weight to the need to support energy efficiency improvements through the adaptation of existing buildings, although noting the need to balance this against other considerations such as protecting the historic environment;
- concern over the proposed application of NDMPs, in particular Local Plans being precluded from including policies which are inconsistent with the NDMPs and NDMPs taking precedence where there is a conflict between them and development plan policies
- support for greater importance given to low cost rented housing in national planning policy
- opposition to applicant’s past behaviour and trajectories becoming a material consideration in planning decisions due to the added complexity, potential grounds for legal challenges, and to stick to the long-established principle that planning decisions should be based on the planning merits rather than who the applicant is.
- the importance of consultation on more details in due course, with relevant parliamentary scrutiny of any new primary or secondary legislation, and the need for a lengthy transition period to minimise disruption;

- the importance of ensuring that planning departments are properly resourced and that they are supported to do this with an increase in planning fees.

6. Contribution to strategic outcomes

6.1 Changes to the planning system are relevant to all outcomes in the Corporate Delivery Plan.

7. Background documents

Levelling-up and Regeneration Bill: reforms to national planning policy document: <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

National Planning Policy Framework draft text for consultation: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NPPF_July_2021_-_showing_proposed_changes.pdf

8. Local Government (Access to Information) Act 1985

N/A