



Report of	Meeting	Date
Central Lancashire Planning Local Plan Coordinator	Central Lancashire Strategic Planning Joint Advisory Committee	Monday, 6 February 2023

## **CONSULTATION FOR LEVELLING-UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY**

### **RECOMMENDATION(S)**

1. To note contents of this report

### **EXECUTIVE SUMMARY OF REPORT**

2. Changes proposed in Consultation version of the National Planning Policy Framework (NPPF).

<b>Confidential report</b> Please bold as appropriate	Yes	No

### **REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

3. To note the proposed changes to the NPPF and other changes to national planning guidance which are relevant to Central Lancashire and the plan making process.

### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

4. None.

### **Background**

5. The DHLUC published the Levelling-up and Regeneration Bill: reforms to national planning policy on 22 December 2022 which seeks views on the proposed approach to updating to the National Planning Policy Framework and also on the proposed approach to preparing National Development Management Policies, how we might develop policy to support levelling up, and how national planning policy is currently accessed by users.
6. It states that a 'fuller review' of the Framework will be required in due course, ( which is what is needed to replace the standard method ) and its content will depend on the implementation of the government's proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill.

7. The consultation is very lengthy with 58 questions which officers are working through on behalf of their respective Councils.
8. The consultation document raises a number of other areas for potential, longer term changes to NPPF , including methods of assessing housing need, guidance on land constraints for plan making, revisions to prioritise social rent as the main affordable tenure for rent to be delivered ( an issue Chorley Council have always felt strongly about), measures to increase build our rates on consented sites, and others.
9. The Government have therefore set out in this document specific changes that they propose to immediately make to the Framework (subject to and following consultation), which will *'allow us to swiftly deliver 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. They will also allow us to deliver cheaper, cleaner, more secure power in the places that communities want to see onshore wind'*.
10. The government propose to respond to this consultation by spring 2023, publishing the Framework revisions as part of this, so that policy changes can take effect as soon as possible. These changes are being proposed now to realise the housing supply benefits as soon as possible. In line with this, the government is clear that plan production should continue to progress and believes the changes will assist with this.
11. Alongside these specific changes, the consultation calls for views on a wider range of proposals, particularly focused on making sure the planning system capitalises on opportunities to support the natural environment, respond to climate change and deliver on levelling up of economic opportunity, and signals areas that we expect to consider in the context of a wider review of the Framework to follow Royal Assent of the Bill. The government will consult on the detail of these wider changes next year, reflecting responses to this consultation.
12. The consultation also sets out the envisaged role for National Development Management Policies (NDMPs). These are intended to save plan-makers from having to repeat nationally important policies in their own plans, so that plans can be quicker to produce and focus on locally relevant policies. National Development Management Policies should also provide more consistency for small and medium housebuilders, who otherwise must navigate a complex patchwork of similar but different requirements. We are proposing that National Development Management Policies are set out separately from the National Planning Policy Framework, which would be re-focused on principles for plan-making. This document calls for views on how we implement NDMPs and the government will consult on the detail next year ahead of finalising the position.

### **The Purpose of this Paper**

13. The consultation features 58 questions and covers a wide range of themes. Therefore, for simplicity, below are the main issues /changes /questions for Central Lancashire generated by this consultation, focussing on the proposed immediate changes to NPPF.

14. A further report will be brought to a future JAC which will include more detailed analysis of the longer term's measures.
15. Appendix One includes the full list of questions of the consultation for information. Full details of the consultation are available at: [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)

### **Main Changes to NPPF (short term) Proposed;**

16. Issue: The presumption in favour of sustainable development (where local plans and/or strategic policies found to be out of date – the position Central Lancashire Councils are facing and why we are seeing speculative applications/losing some of our planning appeals).
17. Change: In cases where there is no local plan or a plan is considered out of date, there are proposed measures to take account of adverse effects such as building at densities significantly out of character with the existing area or, clear evidence of past over delivery, in terms of number of homes permitted compared to the housing requirement in the existing plan. , in which case the over delivery may be deducted from the provision required in the new plan.
18. Question(s); This could potentially help Chorley between now and the adoption (if not slightly earlier pre EIP) of the Local plan and help fend off speculative applications given based on the standard method for housing, there is not a five year housing land supply in place.
19. The footnote refers to where the Housing Delivery Test indicates that the delivery of housing was below the housing requirement over the previous three years ( unless permissions for housing in excess of 115% of the requirement over the same period have been granted ). It refers to a footnote 49 which talks about 'over the applicable Housing Delivery Test monitoring period'. It is not clear what this period is. Nor is it clear about definitions of permissions (are these outline/full/Pip etc).
20. Issue 5 Year Housing Land Supply (5YHLS). Draft NPPF refers to 5YHLS and states Local Planning Authorities should monitor their deliverable land supply against their housing requirement as set out in adopted strategic policies.
21. Change: Insertion of : When the housing requirement set out in strategic policies becomes more than five years, 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, or against their local housing need (taking into account any previous under or over-supply as set out in planning practice guidance). A five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in an annual statement.
22. This means that only where there is no Up To Date Local Plan in place, does the requirement to produce and evidence a 5YHLS apply.
23. Question(s): This is clearly to incentivise plan making however, to secure this benefit, we need to understand at what point it would apply, what the transitional arrangements are for emerging plans. With an adopted plan though, it means the

'pressure is off' and the absence of a 5YHLS cannot be used as a planning argument for unallocated housing sites or those not in accordance with the plan.

24. Issue: Housing Delivery Test (HDT) consequences (and what penalties apply when delivery falls below 95%).
25. Change: Where delivery falls below 95% of the requirement over the previous three years (an action plan is required), or where falls below 75% over the previous three years, the presumption in favour so sustainable development applies.
26. The HDT consequences apply the day after publication of HDT results.
27. Question(s): None.
28. Issue: Housing Need – How it is derived, the primacy of the standard method, the obligations placed on LPAs to meet in full their identities housing need.
29. There is an insertion which talks about cases where housing need may be higher than the identified housing need, if it includes provision for neighbouring areas ( which in reality is what our neighbouring authorities of Preston and South Ribble are doing in our proposed strategic housing policy now) or, where it reflects growth ambitions linked to economic development or infrastructure investment. This one is relevant to us because it would apply to Preston and justifies why it is appropriate for Preston to be planning for a higher housing need figure.
30. Change: There is wording now to suggest the overall aim is for councils to 'meet as much housing need as possible with an appropriate mix of housing types' and that the as part of the housing assessment, the standard method should be used 'as an advisory starting point'.
31. There may be 'exceptional circumstances relating to the particular characteristics of an authority to justify an alternative approach to assessing housing need ( which must include current and future demographic trends and market signals – all of which were have done in any case).
32. Question(s): What flexibilities are exactly available to Councils in devising their methodology for housing need assessments and in reality, will this change the numbers for Central Lancashire , as indicators such as population, previous delivery and market demand all point to similar figures we have now so this measure doesn't necessarily help us justify a lower housing need figure. The key issue is green belt/land supply constraints.
33. It is not clear if the transitional arrangements apply to Central Lancs or not and we may need to either clarify this in our response and /or ask Counsel view.
34. The implementation details states that this measure applies for emerging local plans have been submitted for EIP (ours has not) or subject to Reg 19 or reg 19 consultation which included both a policies map and proposed allocation towards meeting housing need.
35. Part One Preferred Options Consultation is a Regulation 18 consultation however is only in part and whilst it does have a strategic housing policy, and maps for each area, it is not clear if it would meet the definition of a policies map for these purposes.

36. Issue: Green Belt Release

37. Change: New insertion: Green belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed for housing over the plan period

38. Question(s). This is a big change and it means that Councils can justify planning housing on existing settlement/ brownfield/greenfield/previously developed land in greenbelt) and even if it does not meet all the identified housing need, it will still pass the test of soundness in an EIP . Several councils have withdrawn local plans which proposed significant green belt release because of this proposed change to NPPF. It will make green belt release more difficult to justify particularly where housing need can otherwise be met.

39. Issue: Development Design

40. Change: When looking at design, the primary means of doing this will be preparation of local design codes, in line with the National Model Design Code.

41. Question(s): None – Officers are aware of this and will need to address in plan making by creating either a Central Lancashire or individual borough design codes to be adopted as part of the new Local Plan and it is regarded a positive step towards good design.

42. Issue: Examining Plans

43. Change: The requirement for plans to be justified taking account of 'reasonable alternatives' has been omitted.

44. Question: Does this mean that the draft Local Plan can simply put forward preferred proposals /policies as opposed to considered other policy options (which is resource intensive and costly). There is a lack of detail, but we need clarity as we are procuring work in the coming weeks which could be quicker and less costly (i.e. £1000s) if we do not have to consider more options than we need. The implementation sections states that this does not applies to plans past Regulation 19 stage (ours has not)

## **Equality and diversity**

45. The DLUHC state *' In responding to this consultation, we would appreciate comments on any potential impacts on protected groups under the Public Sector Equality Duty and a consultation question on this is found in chapter 13 and we continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document'*. As part of the individual Councils' responses, any impacts will be fed into those responses.

## **Risk**

46. There are potential risks to the programme for plan making process if there is uncertainty and changes to NPPF and the requirements. The risk register for the preparation for plan making will be updated to reflect this.

## **Comments of the Statutory Finance Officer**

47. There are no direct financial implications at this stage.

## **Comments of the Monitoring Officer**

48. The purpose of this report is to inform members of proposed changes to the NPPF and other changes in national guidance. A summary of these changes is set out above. These changes could have significant implications for all three Central Lancashire authorities in areas such as housing supply and need. Officers will continue to monitor how the consultation process develops and what the ultimate outcomes will be. There are no direct legal implications arising at this point.

## **Appendices**

Appendix One Consultation for Levelling-up and Regeneration Bill: reforms to national planning policy -Questions

Appendix Two: NPPF with Tracked Changes

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