

East Herts Council Non-Key Decision Report

Date: 2 September 2024

Report by: Councillor Vicky Glover-Ward – Executive Member for Planning and Growth

Report title: Proposed Reforms to the National Planning Policy Framework and Other Changes to the Planning System

Ward(s) affected: All

Summary

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This report proposes East Herts Council's response to the Proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation.

RECOMMENDATIONS FOR DECISION: that the Ministry of Housing, Communities and Local Government be informed that East Herts Council:

- (A) Welcomes the opportunity to comment on the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation; and**
- (B) Submits the responses to the consultation questions included at Appendix A to this report as its detailed response to the Proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation.**

1.0 Proposal(s)

- 1.1 The purpose of this report is to advise Members of the implications of the proposed reforms to the National Planning

Policy Framework (NPPF) and other changes to the planning system for East Herts, and to agree this Council's response to the consultation.

2.0 Background

2.1 The consultation seeks views on the Government's proposals to reform the planning system. These changes include amending the National Planning Policy Framework and seeking complete coverage of up-to-date local plans as soon as possible. The Government is also canvassing opinion on a number of other changes to the planning system, including proposals to increase some planning fees.

2.2 The Ministry of Housing, Communities & Local Government (MHCLG) is seeking views on 106 specific questions, which are detailed in Chapter 14 of the consultation document (see background papers). **Appendix A** to this report contains the Council's response to the consultation questions.

2.3 The consultation began on the 30 July 2024 and closes on at 11:45pm on the 24 September 2024.

2.4 The Government says it will respond to the consultation by the end of 2024, publishing the framework revisions as part of this, 'so that policy changes can take effect as soon as possible'.

3.0 Reason(s)

3.1 The Government has made it clear that sustained economic growth is the only route to improving the prosperity of the country. Their approach to delivering growth is focused on three pillars: stability, investment, and reform. They have stated that 'nowhere is decisive reform needed more urgently than in our planning system'.

3.2 The proposed reforms to the National Planning Policy Framework (NPPF) are considered vital to deliver the Government's

commitment to deliver economic growth and build 1.5 million new homes.

- 3.3 The NPPF was originally introduced in 2012 to consolidate the Government's planning policies for England. It guides local decision makers on the Government's national policy objectives, providing a framework within which locally prepared plans are produced, and national policies to be taken into account when dealing with planning applications. When a local planning authority brings forward a plan, they have a statutory duty to have regard to these national policies, and the Framework is therefore drafted with the expectation that plans will be consistent with the policies contained within it. The Framework is also a 'material consideration' in decision-taking.
- 3.4 The proposed reforms to the NPPF consultation sets out the changes that the Government proposes to make immediately to the NPPF (subject to and following this consultation).
- 3.5 Specifically, the changes will:
 - a. make the standard method for housing needs mandatory, requiring local authorities to plan for the resulting housing need figure, planning for a lower figure only when they can demonstrate hard constraints and that they have exhausted all other options;
 - b. reverse other changes to the NPPF made in December 2023;
 - c. implement a new standard method and calculation to ensure local plans are ambitious enough to support the Government's manifesto commitment of 1.5 million new homes in this Parliament;
 - d. broaden the existing definition of brownfield land, set a strengthened expectation that applications on brownfield land will be approved and that plans should promote an uplift in density in urban areas;

- e. identify grey belt land within the Green Belt, to be brought forward into the planning system through both plan and decision-making to meet development needs;
- f. improve the operation of the presumption in favour of sustainable development, to ensure it acts an effective failsafe to support housing supply, by clarifying the circumstances in which it applies; and, introducing new safeguards, to make clear that its application cannot justify poor quality development;
- g. deliver affordable, well-designed homes, with new 'golden rules' for land released in the Green Belt to ensure it delivers in the public interest;
- h. make wider changes to ensure that local planning authorities are able to prioritise the types of affordable homes their communities need on all housing development and that the planning system supports a more diverse housebuilding sector;
- i. support economic growth in key sectors, aligned with the Government's industrial strategy and future local growth plans;
- j. deliver community needs to support society and the creation of healthy places; and
- k. support clean energy and the environment, including through support for onshore wind and renewables.

3.6 Alongside these specific changes, the consultation also seeks views on:

- a. whether to reform the way that the Nationally Significant Infrastructure Projects (NSIP) regime applies to onshore wind, solar, data centres, laboratories, gigafactories and water

projects, as the first step of the Government's NSIP reform plans;

- b. whether the local plan intervention policy criteria should be updated or removed, so the Government can intervene where necessary to ensure housing delivery; and
- c. proposals to increase some planning fees, including for householder applications, so that local planning authorities are properly resourced to support a sustained increase in development and improve performance.

3.7 Finally, the consultation also sets out the expectation that every local planning authority creates a clear, ambitious local plan for high quality housebuilding and economic growth.

3.8 The proposals are summarised in more detail below and **Appendix A** to this report contains the Council's response to the 106 specific consultation questions raised.

Planning for the homes we need

3.9 The consultation is seeking views on reversing changes made to the NPPF by the previous government in December 2023. These changes run counter to the new Government's ambitions on increasing housing supply.

3.10 The proposals are also seeking to re-establish the requirement for all local planning authorities, regardless of local plan status, to continually demonstrate 5 years of specific, deliverable sites for housing.

3.11 In addition, the 5% buffer will be re-introduced. This will be added to all 5-year housing land supply calculations in decision making and plan making, ensuring choice and competition in the market. The 20% buffer would remain. As it is now, this will only be applied where an authority significantly under delivers against their housing requirement as measured through the Housing

Delivery Test¹.

A new Standard Method for assessing housing needs

- 3.12 The consultation proposes a revised standard method which aligns more closely with the government's aspirations for the housing market. The new standard method:
- a. uses a baseline set at a percentage of existing housing stock levels;
 - b. tops up this baseline by focusing on those areas that are facing the greatest affordability pressure, using a stronger affordability multiplier to increase this baseline in proportion to price pressures;
 - c. removes caps and additions so that the approach is driven by an assessment of need.
- 3.13 For East Herts this would increase our housing need from 1,041 homes per year to 1,173 homes per year (an increase of 132 homes per year).
- 3.14 The new method will be mandatory, requiring local authorities to demonstrate they have taken all possible steps, including optimising density, sharing need with neighbouring authorities, and reviewing Green Belt boundaries, before a lower housing requirement will be considered.

Brownfield, Grey Belt, and the Green Belt

- 3.15 The consultation makes clear that the default answer to Brownfield development should be 'yes'. However, this alone will not be enough to meet housing need. The Government is therefore proposing the target release of 'Grey Belt' land.

¹ The latest measurement in 2022 sets out that East Herts delivered 125% of its requirement.

- 3.16 Grey Belt land for the purposes of plan-making and decision-taking, is defined as previously developed land and any other parcels and/or areas of Green Belt land that make a limited contribution to Green Belt purposes. This could include, for example, petrol stations or car parks.
- 3.17 Grey Belt development must deliver on 'golden rules', including 50% affordable housing, associated infrastructure, and green space, with limited use of viability assessments. Development which meets these tests should be regarded as 'appropriate'.
- 3.18 The consultation also sets out a requirement for local planning authorities to undertake a Green Belt review where an authority cannot meet its identified housing, commercial or other need without altering Green Belt boundaries.

Delivering affordable, well-designed homes and places

- 3.19 The Government wants to deliver much needed affordable housing and has set out that local areas are best place to decide the right mix of affordable housing for their communities, including a mix of affordable homes for ownership and rent. There is an expectation that housing needs assessments should explicitly consider the needs of Social Rent.
- 3.20 Meeting the needs of looked after children is identified as a further priority with a specific reference added to the NPPF.
- 3.21 Further changes include promoting mixed use tenure, support for community-led development, a requirement to deliver small sites and support for well-designed development. All references in the NPPF to 'beauty' and 'beautiful' will be removed.

Building infrastructure to grow the economy

- 3.22 Alongside supporting housing, the consultation is proposing changes to the planning system to drive greater commercial development.

- 3.23 The proposed changes to the NPPF seek to ensure the planning system meets the needs of a modern and changing economy, by making it easier to build laboratories, gigafactories², data centres and digital infrastructure, and the facilities needed to support the wider supply chain.

Delivering community needs

- 3.24 Meeting community needs goes beyond providing homes and jobs. To support healthy living, a range of services and facilities are required. Significant weight is therefore given to the importance of providing public service infrastructure (such as hospitals and criminal justice facilities).
- 3.25 The Government is also committed to taking action on public health and reducing health inequalities and is asking views on how national planning policy can better support local authorities in promoting healthy communities and tackling childhood obesity.

Supporting green energy and the environment

- 3.26 The consultation seeks views on proposed revisions to the NPPF to increase support for renewable energy schemes, tackle climate change and safeguard environmental resources.
- 3.27 Alongside this the Government are also considering what changes should be made to the Nationally Significant Infrastructure Projects (NSIP) regime to meet their ambitions to deliver green energy, including reintegrating onshore wind into the regime.
- 3.28 The NPPF will be strengthened to give significant weight to the benefits associated with renewable and low carbon energy generation.
- 3.29 The consultation is also seeking views on specific, deliverable ways

² Gigafactories: battery cell manufacturing plants, commonly called 'gigafactories' (when capacity exceeds 1GWh of cells), are essential for the electric vehicle supply chain.

that national planning policy could do more to address climate change mitigation and adaptation. In addition, views are being sought on whether the current water infrastructure provisions in the Planning Act 2008 should be improved.

Changes to local plan intervention criteria

- 3.30 The consultation seeks views on whether to update the local plan intervention policy criteria or to remove the criteria. The Government wants any future intervention to be swift and proportionate and justified by local circumstances.

Changes to planning application fees

- 3.31 The consultation acknowledges that current planning fee levels do not generate enough income to cover the full cost of some planning applications. In December 2023, planning application fees were increased by 35% for major applications and 25% for all other applications. Despite this increase, it is estimated that there remains an overall funding shortfall for local planning authority development management services of £262 million, based on the most recent local government spending data.
- 3.32 The current fee for householder applications is £258. The consultation estimates that to meet cost-recovery, this should be increased to £528.
- 3.33 By increasing planning fees, it is expected that local planning authorities will have more of the resources they need to determine applications within the required statutory periods.
- 3.34 The consultation is also seeking views on whether there are any other applications for which the current fee is inadequate, and whether applications where there is currently no charge (e.g. listed building consents) should require a fee.
- 3.35 Consideration is also being given to whether each local planning authority should be able to set its own (non-profit making)

planning application fee. The consultation also asks whether planning fees should be increased beyond cost recovery for planning application services, to fund wider planning services (e.g. planning policy and plan-making).

The future of planning policy and plan making

- 3.36 The consultation sets out how local planning authorities should prepare local plans in response to the revised framework. Universal coverage of local plans is required as soon as possible, and transitional arrangements will apply for emerging plans already in preparation.
- 3.37 The new plan-making system, as set out in the Levelling-up and Regeneration Act 2023, will be implemented from summer or autumn 2025. Whilst this will delay our programme to deliver the District Plan Review, it will allow us more time to update our evidence base and consult on a Vision for the District Plan.
- 3.38 The consultation recognises that strategic planning will play a vital role in delivering sustainable growth and addressing key spatial issues – including meeting housing needs, delivering strategic infrastructure, growing the economy, and improving climate resilience. Ahead of legislation to introduce mandatory mechanisms for strategic planning, a more strategic approach to planning, by strengthening cross-boundary collaboration, is proposed.
- 3.39 Strategic planning is also recognised as being important in the delivery of Local Growth Plans and Local Nature Recovery Strategies.
- 3.40 Effective arrangements for developing Spatial Development Strategies outside of mayoral areas will be explored.

The Council's response to the consultation

- 3.41 **Appendix A** to this report contains the Council's response to the

106 specific consultation questions raised. East Herts Council welcomes the opportunity to comment on the proposed reforms to national planning policy. Whilst there is broad support for many of the proposed reforms, the Council would like to see further justification for some of the suggested changes, together with further clarity on a number of areas.

Next Steps

3.42 The Council will submit the response in **Appendix A** to the Ministry of Housing, Communities and Local Government before the consultation closes on 24 September 2024.

4.0 Options

4.1 The Council could choose not to respond to the consultation.

5.0 Risks

5.1 Not responding to the consultation will mean that the Council misses the opportunity to respond to the Government in relation to key concerns about the proposed planning reforms.

6.0 Implications/Consultations

6.1 This report sets out the Council's response to the Government's consultation on reforms to the NPPF and other changes to the planning system.

Community Safety

There are no community safety implications arising from this report.

Data Protection

There are no data protection implications arising from this report.

Equalities

There are no direct equality, diversity, or inclusion implications in this report. The consultation document seeks views on the Public Sector

Equality Duty and any potential impacts on persons with a relevant protected characteristic as defined by the Equality Act 2010.

Environmental Sustainability

A number of the proposed changes to the NPPF will support green energy and the environment, including through support for onshore wind and renewables. Further changes are anticipated in the future to tackle climate change and support water resilience.

Financial

There are no financial implications of responding to the consultation.

Health and Safety

There are no health and safety implications arising from this report.

Human Resources

There are no human resources implications arising from this report.

Human Rights

There are no human rights implications arising from this report.

Legal

There are no legal implications arising from this report.

Specific Wards

All

7.0 Background papers, appendices and other relevant material

- 7.1 The consultation document is available to view here: [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)
- 7.2 A track change version of the NPPF is available to view here: [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)

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