

## **CABINET**

<b>DATE</b>	18 <sup>th</sup> September 2024
<b>REPORT OF</b>	Councillor Stewart Swinburn, Portfolio Holder for Housing, Infrastructure and Transport
<b>RESPONSIBLE OFFICER</b>	Carolina Borgstrom, Director of Economy, Environment and Infrastructure
<b>SUBJECT</b>	Response to Government consultation on National Planning Policy Framework
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	GENERAL EXCEPTION - Not included on the Forward Plan therefore, to be considered under the General Exception provisions of the Constitution.

### **CONTRIBUTION TO OUR AIMS**

The Local Plan supports the Council's priorities of 'Stronger Economy and Stronger Communities'.

### **EXECUTIVE SUMMARY**

The Government has set out changes it is proposing to national planning policy in a consultation document published on 29 July 2024. The potential for changes introduced by a change of government have been identified previously through the local plan review process. However, the changes outlined in the consultation documents are much more significant than envisaged with far reaching implications.

This report sets out the key changes proposed and highlights the implications for the local plan review.

### **RECOMMENDATIONS**

It is recommended that Cabinet:

- a. Delegates authority to the Director of Environment, Economy & Infrastructure, in consultation with the Leader of the Council and Portfolio Holder for Housing, Infrastructure and Transport, to submit the Council's response to the Secretary of State for Housing, Communities and Local Government before the closing date for the consultation 24 September 2024.

### **REASONS FOR DECISION**

To enable the Council to respond to the Government's consultation as set out by the Secretary of State for Housing, Communities and Local Government on 30<sup>th</sup> July 2024. The Council's response is required by 24<sup>th</sup> September 2024.

## **1. BACKGROUND AND ISSUES**

- 1.1 The new Government made it clear that it intends to make changes to the way the planning system works and build 1.5million new homes in this parliament. On the 29 July 2024 they published their proposed approach to revising the National Planning Policy Framework (NPPF) to achieve sustainable growth in the planning system. This was followed up with a letter by the Secretary of State for Housing, Communities and Local Government to each local authority on the 30<sup>th</sup> July 2024.
- 1.2 In addition to changes to the NPPF, the Government is seeking views on a series of wider proposals in relation to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects.
- 1.3 The Government's consultation document sets out 106 questions and a link to the consultation document and questions can be found in the section 13, background papers section of the report.

### **Key changes proposed and implications for the local plan review**

- 1.4 The following list provides more information on specific key Government proposals set out in the consultation documents and the implications for the current local plan review process.
  - a. Make the standard method for assessing 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.

This will remove the Council's ability to determine the local housing requirement, and change the figure currently being advanced in the local plan review.

- b. Reverse other changes to the NPPF made in December 2023.

The local plan review will need to address these changes.

- 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.

The Government has introduced a new methodology which significantly increases the annual housing requirement. For North East Lincolnshire this rises from 190 under the old methodology to 706 under the new methodology. This compares to a three-year average annual delivery of 345 dwellings. A comparison with our neighbouring authorities is provided below:

<b>Local Authority</b>	<b>Old methodology</b>	<b>Proposed new methodology</b>	<b>Three-year average annual completions 2020/21 to 2022/23</b>
North East Lincolnshire	190	706	345
North Lincolnshire	359	746	418
Kingston upon Hull	536	1053	615
East Lindsey	437	1091	1159
Central Lincs Joint Plan	1054	1676	1366

The changes to the methodology when combined with the mandatory setting of this as the local housing requirement has significant implications for the local plan review, as set out below:

- significant additional housing sites will need to be allocated. Sites will need to be considered in locations that previously had not been favoured for development.
  - additional/revised evidence will need to be prepared. The change to the housing figures would require the Housing and Economic Development Needs Assessment (HEDNA) to be revised and the current ongoing Infrastructure Study will need to assess the additional growth.
  - significant implications for supporting infrastructure. The additional growth will impact on education, health, highways, sport and recreation, waste etc. These impacts will need to be assessed and planned for.
- 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.

There is already a strong push to support brownfield development, so these changes do not have implications for the local plan.

- 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.

There is no designated Green Belt within the Borough, so these changes do not have any implication for the local plan.

- f. Improve the operation of ‘the presumption’ in favour of sustainable development, to ensure it acts as 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.

The presumption in favour of sustainable development is the mechanism that ensures delivery. The Government is reintroducing the requirement for all councils to prepare a five-year land supply assessment. Failure to demonstrate a five year supply, aligned to the mandatory requirement, could open the door to speculative housing development on sites not allocated in the local plan.

- 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.

There is no designated Green Belt within the Borough, so these changes do not have any implications for the local plan.

- 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.

The Government is proposing to remove the prescriptive requirements for affordable home ownership and instead proposes that approaches to delivery are based on local needs. This is a positive change, based on local needs for affordable rented homes in the Borough.

- i. Support economic growth in key sectors, aligned with the Government’s industrial strategy and future local growth plans, including laboratories, gigafactories, datacentres, digital economies and freight and logistics – given their importance to our economic future.

This would require some revision to the local plan, although the existing approach does identify land suitable for key employment sectors.

- j. Deliver community needs to support society and the creation of healthy places.

These changes are positive and supported.

- k. Support clean energy and the environment, including through support for onshore wind and renewables.

These changes introduce the need to identify suitable areas for renewable and low carbon and supporting infrastructure. The local plan already identified suitable areas for wind, but this will need to be reconsidered in relation to other renewable developments such as solar.

## **Timescale**

- 1.5 The Government's intention is to implement the new NPPF by the end of the year (2024).
- 1.6 The Council needs to provide a response to the 106 questions in the consultation by 24<sup>th</sup> September 2024.
- 1.7 The consultation sets out revised transitional arrangements for local plans in preparation. Local plans with a significant gap of over 200 dwellings per annum between the local authority's revised local plan housing figure and the emerging housing requirement, set out in their local plan, will need to revise the plan in line with the revised NPPF before submitting the plan for examination. This means, as the North East Lincolnshire local plan was progressing based on a requirement figure of 415, the local plan review would need to be progressed against the revised version of the NPPF and a new figure of 706.
- 1.8 Under the transitional arrangements the local plan review will need to be submitted to the Secretary of State for Examination no later than December 2026. This is a revision from the June 2025 that is currently being worked to.

## **Further plan making reforms**

- 1.9 In addition to changes to the NPPF the Government is intending to implement a new style system for preparing local plans which will be set out in the Levelling-up and Regeneration Act from summer or autumn 2025.

## **2. RISKS AND OPPORTUNITIES**

- 2.1. There is limited risk associated with responding to the Government's consultation. Responding provides the Council with the opportunity to identify any concerns about the proposed changes to the Government.
- 2.2. There are significant risks related to the far-reaching implications of the changes proposed to the NPPF and resulting changes required to the local plan review, and particularly the imposed housing targets.
- 2.3. Not having an up to date local plan or five year housing supply opens the Council up to speculative planning applications on sites not allocated in the local plan, that would be difficult to refuse under the guise of presumption in favour of sustainable development.

## **3. OTHER OPTIONS CONSIDERED**

- 3.1. The Council could decide not to respond to the consultation, although doing so would result in the Government not being made aware of the Council's concerns regarding the proposed changes to national planning policy.
- 3.2. No other options were considered in relation to the local plan review as the Council will be required to abide by the changes to NPPF and Levelling-Up and Regeneration Act when they are brought into effect or enacted. These

have considerable implications for the content of the local plan review.

#### **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

- 4.1. Whilst there are no direct reputational implications from the resulting decisions of this report it is important that the Council is transparent about its response to the Government consultation.
- 4.2. Considering the Government's changes to the way plan making takes place, it is vital that the Council communicates clearly the reasons why it will be making substantial changes to the local plan review. Particularly the requirement for it to identify additional development sites to meet the imposed housing targets.
- 4.3. Future consultations on the local plan review will require an action plan to be agreed with the Council's communications service. The consultations themselves are subject to planning guidance and legislation.

#### **5. FINANCIAL CONSIDERATIONS**

- 5.1. There are no financial considerations included within this report.
- 5.2. Consideration will need to be given to the cost implications relating to how the implementation of the proposed changes to the NPPF and Levelling-up and Regeneration Act will affect the local plan review process in a future report. This may be for additional resource for legal, communications or support to the planning service.
- 5.3. There are financial implications as a result of changes in the timetable for the review and need for additional consultation(s) to bring the local plan into conformity with the revised legislation and guidance and the commissioning of additional updates to recent evidence base documents because of the changes in requirements.

#### **6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS**

- 6.1. There are no impacts on Children and young people as a direct result of this report.
- 6.2. The Government consultation wants to consider ways in which the planning system can do more to support the creating of healthy communities. Including supporting a healthy childhood, such as through more consistent approaches to controlling hot food takeaways near schools. This will need to be considered as part of the local plan review which will be subject to future report(s) as it progresses.

## **7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

- 7.1. There are no impacts on Climate change and the environment as a direct result of this report.
- 7.2. The Government consultation expects local authorities to proactively identify sites for renewable and low carbon development when producing local plans, where it is likely that in allocating a site, it would help to secure development. This will need to be considered as part of the local plan review which will be subject to future report(s) as it progresses.

## **8. CONSULTATION WITH SCRUTINY**

Consultation will be carried out with Transport, Infrastructure and Strategic Housing Scrutiny Panel before this report is presented to Cabinet.

## **9. FINANCIAL IMPLICATIONS**

There are no direct implications arising from the recommendation to respond to the Government consultation. Clearly there may be cost implications arising from outcome of the process but these are still to be determined.

## **10. LEGAL IMPLICATIONS**

- 10.1. There are no direct legal implications arising from this report.
- 10.2. The recommendation and delegation is reasonable for a decision of this nature.
- 10.3. Responding to the consultation provides an opportunity to identify any concerns about the proposed changes.
- 10.4. Consultation with scrutiny as part of the process is clearly best practice.

## **11. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications arising from this report.

## **12. WARD IMPLICATIONS**

All wards are affected by the Government consultation and local plan review.

## **13. BACKGROUND PAPERS**

- 13.1. Government consultation web page - <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>
- 13.2. North East Lincolnshire Local Plan review web page –
- 13.3. North East Lincolnshire Local Development Scheme (current local plan review

timetable) web page –

**14. CONTACT OFFICER(S)**

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