

<b>Committee(s):</b> Policy, Resources and Economic Development Committee	<b>Date:</b> 8 March 2023
<b>Subject:</b> Response to Government Consultation on Reforms to National Planning Policy	<b>Wards Affected:</b> All
<b>Report of:</b> Phil Drane, Director – Place	<b>Public</b>
<b>Report Author/s:</b> Name: Camilla Carruthers, Senior Policy Planner Telephone: 01277 312500 E-mail: camilla.carruthers@brentwood.gov.uk	<b>For Decision</b>

### Summary

The Government is currently consulting on a range of short and long-term changes to national planning policy which would impact upon how the council manages development in the borough, both through the plan-making and decision-making (planning application) processes. By responding to the consultation, the council can help to ensure that its interests, and those of its communities, are taken into account prior to these changes being introduced.

The consultation opened on 22 December 2022 and closes on 2 March 2023. At the time this report is published, a draft response (Appendix A) has been submitted to comply with the consultation deadline and is subject to committee approval in line with the recommendation.

### Recommendation

**Members are asked to:**

**R1. Approve the response to the Government’s consultation on reforms to national planning policy, as set out in Appendix A.**

### Main Report

#### **Introduction and Background**

1. The Government is currently consulting on a range of changes to national planning policy that it considers are required to support national objectives. These changes fall into two categories:

- a) **Longer-term changes:** The Levelling-up and Regeneration Bill is currently going through Parliament. If it is passed, and then in whole or parts enacted, it will introduce what could be significant changes to planning legislation. Any new legislation could have a particular bearing on planning policy matters and as such on the Brentwood Local Plan Review.
- b) **Imminent changes:** Running ahead of the legislation (though informed by thinking and content within) are proposed changes to the existing National Planning Policy Framework (NPPF).

2. The imminent changes to national planning policy include a range of minor textual changes that provide clarity to how policies are expected to be weighted or interpreted. More substantial changes proposed, include:

- a) Clarity that authorities with a newly adopted local plan (less than five years old) would no longer need to continually demonstrate a five year housing supply.
- b) A proposal that the past over-supply of housing can be off-set when considering how many homes need to be built in the future.
- c) Clarity that authorities are able to use an alternative method (to the Government's standard method) to calculate how many homes are needed in the area in "exceptional circumstances".
- d) Clarity that authorities only have to meet their housing needs "so far as possible", as opposed to as a minimum.
- e) Clarity that authorities are not obliged to review their Green Belts to meet their housing needs.
- f) Clarity that authorities are not expected to build at densities out of character with existing areas to meet their housing needs.
- g) Removing the need for local plans to be "justified" by technical evidence.
- h) Changes to the Housing Delivery Test which remove some penalties and introduce an "unlocking mechanism" where sufficient permissions are in place to deliver housing in the future.
- i) Clarity over transitional arrangements for local plans currently in preparation.

3. The longer-term changes to national policy generally relate to proposals that are contingent on the passage of the Levelling Up and Regeneration Bill (LURB). Many of these changes are referred to in light detail and future consultations on the detail is proposed for the future. More substantial long-term changes proposed include:
  - a) Potential measures to make the past poor performance of developers, in relation to build out and other matters, a material consideration in future planning applications, as well as a range of tools to incentivise good build out and/or punish poor build out.
  - b) Potential longer-term changes to the Government's method for calculating local housing need
  - c) The introduction of National Development Management Policies which would have the same weight as local development management policies. These national policies would be restricted to a limited number of themes where a similar policy exists in most local plans or where the Government is keen to ensure national objectives are applied locally.
  - d) Proposed timescales and processes for the preparation of "new style" local plans and the expiration of existing documents.

### **Issue, Options and Analysis of Options**

4. The council's draft response (Appendix A) provides responses to specific questions the Government has asked as part of the consultation.
5. The response does not offer feedback to every question, given some questions relate to matters that are minor unobjectionable suggestions, or that are not significantly related to the council's interests. Furthermore, some questions relate to high-level suggestions where insufficient detail is provided to enable the council to give a considered response and where further consultation is promised.
6. It is proposed that the council continues to monitor Government consultations on proposed changes to national planning policy and provide responses where appropriate to ensure its interests, and those of its communities, are taken into account.

## **Reasons for Recommendation**

7. The Government's consultation proposes a range of measures that may impact on the council's interests, both positively and negatively, insofar as they relate to discharging its responsibilities in plan-making and decision-making. There is a risk that some of these measures may have impacts that are perceived to be negative. By responding to the consultation, the council can help ensure that any concerns and wider comments are factored in before the Government introduces these policy changes.

## **Consultation**

8. This consultation opened on 22 December 2022 and closes on 2 March 2023 (at the time this report is published). The council's response (Appendix A) has been submitted to comply with the consultation deadline and is subject to committee approval.

## **References to Corporate Plan**

9. The council's Corporate Strategy identifies priority areas, which include protecting our environment, growing our economy, improving housing, and developing our communities. The Government consultation on reforms to national planning policy relate to all these themes. By responding to the consultation, the council can help to ensure that its interests, and those of its communities, are taken into account prior to these changes being introduced.

## **Implications**

### **Financial Implications**

**Name/Title: Tim Willis, Interim Director – Resources (Section 151 Officer)**

**Tel/Email: 01277 312500/tim.willis@brentwood.rochford.gov.uk**

10. The consultation response has been prepared within existing budgets and resources. The proposed reforms to national planning policy may result in longer-term financial implications, although at present these are not known and the proposals have not been confirmed given they are the subject of consultation.

### **Legal Implications**

**Name & Title: Andrew Hunkin, Interim Director – People & Governance (Monitoring Officer)**

**Tel & Email: 01277 312500/andrew.hunkin@brentwood.rochford.gov.uk**

11. The report raises no direct legal implications.

## **Economic Implications**

**Name/Title: Phil Drane, Director – Place**

**Tel/Email: 01277 312500/phil.drane@brentwood.rochford.gov.uk**

12. The range of short and long-term changes to national planning policy proposed in the consultation would impact upon how the council manages development in the borough. The proposed reforms to national planning policy include the principal that planning assists with economic growth nationally, although at present it is not possible to identify specific local economic implications.

## **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure & Health)**

**Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk**

13. The report raises no specific implications in respect of equality. As part of the consultation, the Government is inviting views on any potential impacts on protected groups under the Public Sector Equality Duty.

## **Health & Wellbeing Implications**

**Name/Title: Jo Cory, Corporate Health & Wellbeing Officer**

**Tel/Email: 01277 312500/jo.cory@brentwood.gov.uk**

14. The report raises no specific implications in respect of Health & Wellbeing.

**Other Implications** (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

15. None.

## **Background Papers**

- Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK ([www.gov.uk](http://www.gov.uk))
- National Planning Policy Framework: draft text for consultation ([publishing.service.gov.uk](http://publishing.service.gov.uk))

## **Appendices**

- Appendix A: Brentwood Borough Council Consultation Response (February 2023)