

Chichester District Council

Planning Committee

1 March 2023

Response to Government consultation on 'Levelling-up and Regeneration Bill: reforms to national planning policy'

1. Contacts

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2. Recommendation

- 2.1 That the Planning Committee consider and agree the attached responses to the consultation questions for submission in response to the government consultation on 'Levelling-up and Regeneration Bill: reforms to national planning policy'**

3. Background

- 3.1 The Government is running a public consultation from 22 December 2022 to 2 March 2023 on the proposed changes to national planning policy and guidance which will be required alongside the Levelling-up and Regeneration Bill.
- 3.2 The consultation consists of two parts which can both be found here [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):
- The proposed national planning policy reforms
 - A tracked-change version of the National Planning Policy Framework (NPPF)
- 3.3 The consultation covers:
- the proposed approach to updating the National Planning Policy Framework (NPPF),
 - the proposed approach to preparing National Development Management Policies,
 - how they might develop new planning policy to support levelling up, and
 - how national planning policy is currently accessed by users
- 3.4 The consultation also sets out the wider changes to national planning policy that are likely to be needed to reflect the Bill and other aspects of government policy. The government plan on undertaking a full consultation on a revised National Planning Policy Framework and proposals for National Development Management Policies once the Bill has completed its passage through Parliament (spring 2023).
- 3.5 This means that the consultation questions are a mixture of seeking comment on the proposed changes to the NPPF and the transitional arrangements for plan

making and seeking views on other ideas that are not yet set out in draft policy, for example the National Development Management Policies.

- 3.6 The consultation document is set out in 15 Chapters, with 58 questions relating to Chapters 3 – 13. Following the consultation, the government will respond by spring 2023, publishing the NPPF revisions as part of their response so that the policy changes can take effect as soon as possible.

Wider NPPF consultation

- 3.7 The following requirements proposed in the Levelling up and Regeneration Bill (the Bill) will be part of the next NPPF consultation:
- Every local planning authority to produce a design code for its area (either through part of local plans or as a supplementary plan)
 - New Infrastructure Levy and new Infrastructure Delivery Strategies
 - Plans to be prepared to a two-year frame with increased community consultation and engagement
 - Supporting the introduction of Neighbourhood Priorities Statements and 'street votes'
- 3.8 The proposal is to separate the National Development Management Policies from the NPPF, so these will be the subject of a separate consultation later this year.

4. Outcomes to be Achieved

- 4.1 To influence the future national planning policy.

5. Proposal

- 5.1 The purpose of this report is to provide an input to the consultation as set out in Appendix 1 of this report. The following highlights the key changes proposed and summarises the responses, using the consultation Chapter headings.

Chapter 3: Providing certainty through local and neighbourhood plans

- 5.2 Questions 1 - 5 relate to:
- the removal of the requirement for local authorities with an up-to-date plan to demonstrate continually a 5-year housing land supply (5YHLS)
 - removal of the buffer requirement as part of 5YHLS calculations
 - the ability to include historic oversupply in 5YHLS calculations
 - increasing the protection given to neighbourhood plans
- The proposed response to these questions welcomes the changes, subject to further clarification on the calculation of over-supply.

Chapter 4: Planning for housing

- 5.3 Questions 6 – 21 relate to:
- changes proposed to the NPPF and PPG on local housing need and the Housing Delivery Test to make it clearer how local constraints can be taken into account

- taking a more proportionate approach to local plan examinations.

5.4 The proposed response welcomes the changes to the NPPF in relation to the standard method and taking into account local constraints, but highlights concerns with the lack of clarity about what would constitute a local constraint and whether there would be full local flexibility on what can be considered, as well as highlighting the infrastructure constraints faced by the council. The response also sets out that the removal of the requirement to 'justify' plans is unlikely to result in less evidence being required. The 4-year rolling land supply requirement for emerging plans is supported on the basis that this will reduce the risk of speculative development whilst plans are being progressed.

Chapter 5: A planning system for communities

5.5 Questions 22 – 32 relate to changes in the draft NPPF now and on future changes:

- attaching more weight to Social Rent in planning policies and decisions (future)
- supporting the supply of specialist older people's housing (now – NPPF para 62)
- encouraging use of small sites (future)
- supporting community led developments (future)
- developer accountability (future – would require primary legislation)

5.6 The emphasis on social rent as a tenure is welcomed, but the consultation response points out the tension between achieving higher proportions of social rent and the current First Homes policy, which has had the effect of lowering the proportion of social rent. The proposed additional clarification on the type of specialist older people's housing is welcomed and suggestions are made on how to support community led development. Comments are provided on the proposed options for ensuring increased developer accountability.

Chapter 6: Asking for beauty

5.7 Questions 33 – 36 relate to changes to chapter 12 of the NPPF to:

- emphasise the role of beauty and placemaking in strategic policies to encourage beautiful development (new para 135 requires preparation of local design codes)
- make enforcement easier through clearer conditions on design (new para. 137)
- embrace gentle density through the use of mansard roofs

5.8 The changes to chapter 12 are largely welcomed, but with reservations about the potential subjectivity of the word 'beauty' and that mansard roofs are not always going to fit with local character.

Chapter 7: Protecting the environment and tackling climate change

5.9 Questions 37 – 40 relate to:

- how national policy on small scale nature interventions could be strengthened (future)
- changes to the NPPF to make sure that the food production value of land is reflected in planning decisions (now – NPPF – revised footnote 67)
- views on the approach to carbon assessments (future)
- role of planning in supporting climate adaptation (future)
- how planning policy could support climate change adaptation further (future)

5.10 The response provides comments on making sure that small scale nature interventions (e.g. bat and bird boxes and avoiding artificial grass) are incorporated into the NPPF and that resources are needed to enforce the 30 year maintenance provision within Biodiversity Net Gain requirements.

5.11 The revised footnote 67 of the NPPF is aimed at ensuring that the ‘relative value of agricultural land for food production’ (para 11 of consultation) is considered. The proposed response flags up that the footnote wording is not clear how the ‘availability’ of agricultural land used for food production should be considered or weighted in decision making.

5.12 The response on carbon impact assessments supports having a standard methodology if they become a requirement and comments are provided on supporting climate change adaptation.

Chapter 8: Onshore wind and energy efficiency

5.13 Questions 41 – 44 relate to:

- changes to paras 155 – 158 of the NPPF to enable the repowering of renewable and low carbon energy where acceptable
- new footnote 62 require community support for wind energy development
- new paragraph 161 to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance

5.14 The response supports the wording proposed to extend or renew the life of existing renewable energy sites, but the requirement for community support is considered too onerous and unachievable. The new paragraph giving significant weight to proposals which improve the energy performance of existing buildings is supported.

Chapter 9: Preparing for the new system of plan-making

- 5.15 Questions 45 – 48 set out the timeline for moving to the new system for plan-making which is to be implemented from late 2024. This will include the replacement of Supplementary Planning Documents (SPD) with Supplementary Plans (SP). The timeline in Appendix 2 sets out the key stages which are:
- submit local plans, neighbourhood plans for examination under existing legal framework by June 2025, and adopt by 31 December 2026
 - new system to 'go live' November 2024 requiring local planning authorities (LPAs) to start work on plans no later than 5 years after adoption of their previous plan, with new plan adopted within 30 months.
 - plans which become more than 5 years old during the first 30 months of the new system will continue to be considered 'up-to-date' for decision making for 30 months from November 2024.
 - existing SPDs will remain in force until the LPA is required to adopt a new style plan.
- 5.16 The response agrees in principle with the transitional arrangements but flags up the lack of clarity over the implications for local plans which are in two parts, and specifically how the changes will impact on the preparation of the Site Allocation DPD which is due to be submitted after the June 2025 deadline, so would fall under the new system. The scope and role of the SPs is also not clear. The proposed timescale of 30 months to complete a plan is also highlighted as very challenging.

Chapter 10: National Development Management Policies

- 5.17 Questions 49 - 52 relate to the scope and principles for the National Development Management Policies (NDMPs) proposed in the Bill. The policies themselves would be consulted on at a later stage. The proposed response broadly supports the scope and principles to inform the NDMPs, but without seeing the detail of what they will cover, it is difficult to comment further.

Chapter 11: Enabling Levelling Up

- 5.18 Questions 53 – 56 relate to levelling up and boosting economic growth, with a specific question around public safety. As the questions about the levelling up agenda are quite high level, no comments are proposed. In relation to facilitating brownfield land coming forward, the response reflects the fact that it is usually other factors, such as viability, rather than the planning system, that present barriers.

Chapter 12: Wider changes to national planning policy in the future

- 5.19 This chapter provides a helpful summary of the wider consultation on a revised NPPF and the topics it is likely to cover.

Chapter 13: Practical changes and next steps

- 5.20 This chapter summarises the next steps and includes Question 57 about examples of best practice to improve the way the NPPF is presented and accessed and Q58 about potential impacts under the Public Sector Equality Duty.

6. Alternatives Considered

- 6.1 The alternatives are not to respond to this consultation, or to provide different consultation responses.

7. Resource and Legal Implications

- 7.1 There are no resource or legal implications connected with responding to this consultation for this Council.

8. Consultation

- 8.1 This is a public consultation being run by the government.

9. Community Impact and Corporate Risks

- 9.1 There are no community impacts or risks to this council of responding to this consultation.

10. Other Implications

	Yes	No
Crime and Disorder the consultation (q56) relates to improving the safety of public spaces for vulnerable users	✓	
Climate Change and Biodiversity Chapter 7 of the consultation relates specifically to protecting the environment and tackling climate change	✓	
Human Rights and Equality Impact Q58 of the consultation seeks views on the potential impacts under the Public Sector Equality Duty	✓	
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing good design and placemaking supported by planning policy can lead to positive impacts on health and wellbeing	✓	

11. Appendices

Appendix 1: Consultation questions and draft answers for consideration

Appendix 2: Timeline and Reformed planning system diagram