

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Consultation response on Reforms to National Planning Policy (Levelling-up and Regeneration Bill)
<b>Decision Maker:</b>	Graham Williamson, Cabinet Member for Development and Regeneration
<b>Cabinet Member:</b>	Graham Williamson, Cabinet Member for Development and Regeneration
<b>SLT Lead:</b>	Neil Stubbings, Director of Regeneration Programme Delivery
<b>Report Author and contact details:</b>	Lauren Miller, Team Leader Development Planning <a href="mailto:Lauren.Miller@havering.gov.uk">Lauren.Miller@havering.gov.uk</a>  01708 433051
<b>Policy context:</b>	National Planning Policy Framework (2021) Havering Local Plan 2016-2031 (2021) Planning Practice Guidance (2021) London Plan 2021
<b>Financial summary:</b>	There are no financial implications or risks arising from the preparation of a consultation response to the consultation on Reforms to National Planning Policy (Levelling-Up and Regeneration Bill)
<b>Relevant OSC:</b>	Towns and Communities
<b>Is this decision exempt from being called-in?</b>	Yes

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**The subject matter of this report deals with the following Council Objectives**

People	[x]
Places	[x]
Resources	[x]

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

1.1 The Levelling up and Regeneration Bill addresses government’s proposed approach to updating to the National Planning Policy Framework (NPPF), preparing National Development Management Policies, how we might develop policy to support levelling up, and how national planning policy is currently accessed by users. This comes after commitment from the Government to “levelling up across the country, building more homes to increase home ownership, empowering communities to make better places, restoring local pride and regenerating towns and cities”.

1.2 In February 2022 the Levelling Up White Paper proposed making improvements to the planning system. In December 2022, the Levelling Up and Regeneration Bill: reforms to national policy was published, detailing these proposals. The government commits to a fuller review of the NPPF in due course, with its content depending on the implementation of the government’s proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill.

1.3 An overview of the consultation is below, highlighting the most prominent changes proposed:

#### ***Providing certainty through local and neighbourhood plans***

- proposing to remove the requirement for local authorities with an up-to-date plan to demonstrate continually a deliverable 5-year housing land supply.
- propose removing these 5-year housing land supply buffers from national planning policy in the future
- give increased weight to neighbourhood plans
- introduce Neighbourhood Priorities Statements as a means for communities to formally input into the preparation of local plans

#### ***Planning for housing***

- make clearer in the Framework that the outcome of the standard method for housing need is an advisory starting-point to inform plan-making (a guide that is not mandatory). Plus adding flexibilities to meeting need
- propose to simplify and amend the tests of ‘soundness’ through which plans are examined, so that they are no longer required to be ‘justified’. Instead, the examination would assess whether the local planning authority’s proposed target meets need so far as possible, takes into account other policies in the Framework, and will be effective and deliverable
- apply the HDT in a way which does not penalise local planning authorities unfairly when slow housing delivery results from developer behaviour. The bill proposes adding to the current Housing Delivery Test an additional permissions-based test. This will ‘switch off’ the application of ‘the presumption’ as a consequence of under-delivery, where a local planning authority can demonstrate that there are ‘sufficient’ deliverable permissions to meet the housing requirement set out in its local plan. This is in addition to the proposal to delete the 20% HDT buffer consequence in the above section on the 5-year housing land supply.

#### ***A planning system for communities***

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- give greater importance in planning for Social Rent homes, when addressing their overall housing requirements in their development plan and making planning decisions.
- adding an additional specific expectation that within ensuring that the needs of older people are met, with particular regard given to retirement housing, housing-with-care and care homes
- housebuilders will be required to formally notify local authorities, via a Development Commencement Notice (DCN), when they commence development. housing developers will be required to report annually to local authorities on their actual delivery of housing against a proposed trajectory that they submit on commencing a scheme for which they have permission. This is intended to hold developers accountable for slow build out.

### ***Asking for beauty***

- Require every local authority to produce a design code for its area
- propose to make a stronger link between good design and beauty by making additions to Chapters 6, 8 and 12 of the Framework to further reflect the importance of beautiful development in our everyday lives as recognised by the Building Better, Building Beautiful Commission report so it becomes a natural result of working within the planning system
- It is proposed that a reference to mansard roofs as an appropriate form of upward extension would recognise their value in securing gentle densification where appropriate

### ***Protecting the environment and tackling climate change***

- Ahead of the wider review of national planning policy next year, the consultation seeks views on the approach to carbon assessments and the role planning can play in supporting climate adaptation
- More recognition of the value of agricultural land for food

### ***Onshore wind and energy efficiency***

- changes to Paragraphs 155 and 158 of the existing National Planning Policy Framework to enable the re-powering of renewable and low carbon energy where planning permission is needed, and providing that the impacts of any development proposal are or can be made acceptable in planning terms

### ***Preparing for the new system of plan-making***

- plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework
- local authorities will no longer be able to prepare SPDs. However, 'supplementary plans', which will be afforded the same weight as a local plan or minerals and waste plan, can be prepared.

### ***National Development Management Policies***

- Proposes National development management policies, which would cover planning considerations that apply regularly in decision-making across England or significant parts of it, such as general policies for conserving heritage assets, and preventing inappropriate development in the Green Belt and areas of high flood risk. Although the existing NPPF already contains development management policies of this type that

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can be significant 'material considerations' when assessing planning applications, these do not have any statutory status

- The purpose of these policies is to eliminate the repetitive nature of local plan policies that cover general national policies such as green belt protection. The intention is that it would allow local plans to be more locally focused, cheaper to produce, and more engaging to communities

### ***Enabling Levelling Up***

- This section seeks views about how best to support and drive economic growth. It also proposes, as part of the wider Framework review, making sure that national planning policies are fully supportive of the aim to gently densify our urban centres, especially outside London and the southeast
- Seeks views on if national planning policy should do more to enable local authorities to consider the safety of women and girls, and other vulnerable groups, when setting policies or making decisions

### ***Wider changes to national planning policy in the future***

- The Bill includes measures to require locally prepared plans to be prepared to a swift two-year time frame whilst increasing the amount of community consultation undertaken within that process
- Remove the duty-to-cooperate requirement, replacing it with a new 'alignment policy' to secure appropriate engagement
- A new Infrastructure Levy (more details will be set out in a future consultation on the details of the Infrastructure Levy)
- New Infrastructure Delivery Strategies

1.4 Full details of the proposals are set out in the Government's consultation page for reforms to national planning policy (Levelling-Up and Regeneration Bill) and can be viewed online at [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)

1.5 The consultation opened on 22<sup>nd</sup> December 2022 and will close at 11.45pm on 2<sup>nd</sup> March 2023. The consultation response takes the form of 58 questions, covering all the proposed changes.

1.6 This Executive Decision sets out a proposed response to the consultation comprising (Appendix A) with individual answers to the consultation questions.

### **Recommendation**

1.7 This report recommends the proposals set out in the consultation on reforms to national planning policy are noted and that the proposed consultation response set out in Appendix A is approved for submission to DLUHC.

## **AUTHORITY UNDER WHICH DECISION IS MADE**

Authority for this decision is contained within Part 3, Section 2.5 of the Constitution which delegates the following responsibility to individual Cabinet members

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b) Where there are implications for policies of the Council, to agree members of staff's responses to consultation papers from:  
(i) the Government (including White and Green papers)

**STATEMENT OF THE REASONS FOR THE DECISION**

To provide the Council's response to the Government's Consultation on Reforms to National Planning Policy (Levelling-Up and Regeneration Bill).

**OTHER OPTIONS CONSIDERED AND REJECTED**

The option of not responding to the consultation was considered and rejected. It is important that the interests of Havering's residents and businesses are represented at national level when changes to the planning system are being considered.

**PRE-DECISION CONSULTATION**

None.

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Lauren Miller

Designation: Development Planning Team Leader

Signature:



Date: 17/02/23

## Part B - Assessment of implications and risks

### **LEGAL IMPLICATIONS AND RISKS**

The Department for Levelling Up, Housing and Communities (DLUHC) is consulting on reforms to national planning policy (Levelling-Up and Regeneration Bill). There are no legal implications or risks arising from the preparation of a consultation response to the consultation.

The comments made on the consultation on the reforms to national planning policy (Levelling-Up and Regeneration Bill) will be considered in full by the Government and their considered responses to this will be published, typically within three months of the closing date. A large number of detailed responses can extend the time taken to move on to the publication of a new Bill.

The new Levelling-Up and Regeneration Bill will be formally presented to the House of Commons, go through Reading and Committee process, the Housing of Lords and then the Final Reading before receiving Royal Assent and coming into law as a new Planning Act.

The Havering Local Plan 2016-2031 was adopted in November 2021. Any changes to legislation, national planning policy or regulations will be given full weight in planning decisions and full consideration in any future update of the Havering Local Plan.

### **FINANCIAL IMPLICATIONS AND RISKS**

There are no financial implications or risks arising from the preparation of a consultation response to the consultation on reforms to national planning policy (Levelling-Up and Regeneration Bill)

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no direct HR implications.

The consultation pertains to important changes to the planning system and the response will be undertaken by existing staff resources.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
2. The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
3. Foster good relations between those who have protected characteristics and those who do not.

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Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An Equalities Assessment is not considered necessary as there are no equalities and social inclusion implications arising directly from the Council's response to the Government's consultation on reforms to national planning policy (Levelling-Up and Regeneration Bill).

The proposals within the consultation document do have potential implications for equalities and social inclusion and appropriate responses have been included in the Council's comments (see Appendix A). The consultation document does not appear to be accompanied by an Equalities Assessment, although Q56 asks whether more emphasis should be placed on making sure that women, girls and other vulnerable groups feel safe in our public spaces. Q58 also touches on potential impacts that may arise under the public sector Equality Duty. The Council's response to the consultation includes commentary on making development safer, particularly for women and girls, to consider safer design. The response also states that a full EQIA of the proposals should be undertaken.

## **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

There are no environmental or climate change impacts from this decision. The recommendations made in this report do not appear to conflict with the Council's policy on Environmental and Climate implications.

## **BACKGROUND PAPERS**

None

## **APPENDICIES**

**Appendix A**      London Borough of Havering response to the Consultation Questions



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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

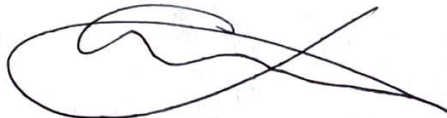
Proposal agreed

***Delete as applicable***

~~Proposal NOT agreed because~~

**Details of decision maker**

Signed



Name: **Councillor Graham Williamson**

Cabinet Portfolio held: Development and Regeneration

CMT Member title:

Head of Service title

Other manager title:

Date: 1/3/23

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_