

Notice of Non-Key Executive Decision

Subject Heading:	Response to the draft National Planning Policy Framework
Decision Maker:	Councillor Graham Williamson, Cabinet Member for Regeneration
Cabinet Member:	Councillor Graham Williamson, Cabinet Member for Regeneration
ELT Lead:	Helen Oakerbee, Director of Planning and Public Protection
Report Author and contact details:	Lauren Miller, Development Planning Team Leader lauren.miller@havering.gov.uk 01708433051
Policy context:	National Planning Policy Framework 2023 London Plan 2021 Havering Local Plan 2016-2031
Financial summary:	There are no financial implications arising from this decision
Relevant Overview & Scrutiny Sub Committee:	Places Overview and Scrutiny Sub Committee.
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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

People - Supporting our residents to stay safe and well

Place - A great place to live, work and enjoy X

Resources - Enabling a resident-focused and resilient Council

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Introduction

1. The new Labour Government has published consultation proposals on changes to the [National Planning Policy Framework \(NPPF\)](#) with the aim of achieving sustainable growth in the Planning System. The consultation closes on the 24th September 2024.
2. This report sets out a proposed response to the consultation comprising of an overarching letter summarising the key responses to the proposals (Appendix A) and specific answers to the consultation questions (Appendix B).

Proposed Changes to the NPPF

Mandatory use of the Standard Method in assessing housing needs

3. Councils will be expected to allocate land in line with housing need as per the new Standard Method, Authorities would be able to justify a lower housing requirement than the figure the method sets on the basis of local constraints on land and delivery. Nevertheless, council will need to evidence and justify their approach through Local Plan consultation and examination, including demonstrating 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.
4. The Standard Method uses a baseline set at a percentage of existing housing stock levels, for a level of delivery proportionate to the existing size of settlements, rebalancing the national distribution to better reflect the growth ambitions across the Midlands and North. All regions see an increase under the proposed method, with the exception of London where the calculated needs falls by 18.35% from 98,822 to 80,693.

Reinstating the requirement for a 5 Year Housing Land Supply (5YHLS)

5. The requirement to demonstrate a 5 years' supply of housing sites is reinstated, irrespective of progress in preparing a new Local Plan. The 5% and 20% buffer that previously applied in calculating 5YHLS is to be restored, with the latter only being applied where an LPA significantly under delivers against their housing requirement as measured through the Housing Delivery Test or local housing need where relevant.

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Brownfield, Grey Belt and Green Belt

6. Government is proposing for it to be easier to develop on PDL / grey belt / to release land for development in Green Belt – but the sequential process would still be required for release. Release must not fundamentally undermine the function of the green belt across the area of the plan as a whole.
7. PDL is therefore still prioritised in sustainable locations. In addition, it is proposed to insert the below definition of “Grey Belt” land into the glossary of the NPPF, to provide criteria for assessing whether land makes a limited contribution to the Green Belt purposes.
8. For the purposes of Plan-making and decision-making, grey belt is defined as *“land in the Green Belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes but excluding those areas or assets of particular importance, such as SSSI, local green space, irreplaceable habitats, areas at risk of flooding (other than land designated as Green Belt).”*
9. Where a Local Planning Authority cannot demonstrate a 5-year housing supply or is delivering less than 75% against its Housing Delivery Test, or where there is unmet commercial or other need, development on the Green Belt will not be considered inappropriate when it is on sustainable “Grey Belt” land. It would also be necessary to demonstrate that development would not fundamentally undermine the function of the Green Belt across the area of the plan, and that the following “golden rules” are satisfied, meaning that ‘very special circumstances’ would not need to be demonstrated:
 - In the case of residential development, the provision at least 50% affordable housing, with an appropriate proportion being Social Rent, subject to viability;
 - The provision of necessary improvements to local or national infrastructure, including delivery of new schools, GP surgeries, transport links, care homes and nursery places; and
 - The provision of new, or improvements to existing, local green spaces that are accessible to the public.
10. The consultation suggests that all Green Belt authorities (including regional authorities) must undertake a review of the boundary in instances where it cannot meet its identified housing, commercial or other needs without altering Green Belt boundaries. This process would lead to the identification of Grey Belt. Diverse range of homes and high-quality places
11. The government is proposing to deliver affordable housing by;
 - Proposing to remove the current 10% affordable home ownership and 25%

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First Homes

- Promoting mixed tenure development
- Supporting majority affordable development
- Supporting meeting the needs of looked after children
- Support for community-led housing
- Small site allocation becomes mandatory (again), possibly at a 10% requirement
- Continue the use of the National Model Design Code as a framework for good design

Supporting key growth industries

12. To support the growth of key growth industries, the NPPF is proposed to be updated to ensure the planning system supports the development of laboratories, gigafactories, digital infrastructure including datacentres and facilities associated freight and logistics, with sites identified in the local plan.

Bolstered support for renewable and low carbon energy development and tackling climate change

13. The consultation proposes to give significant weight in the decision-making process to the benefits associated with renewable and low carbon energy generation, and the contribution of proposals to meeting a net zero future.

Increase the NSIP threshold for solar and on-shore wind projects

14. In response to significant advancement in technology and concerns that the current NSIP regime for solar and on-shore wind projects is causing market distortion, it is proposed to set the threshold at which projects are determined as Nationally Significant to 100MW for on-shore wind projects and 150MW for solar projects.

Planning Application fees

15. The Government is proposing to change the nationally set fees to ones set locally by the LPA to cover the actual costs of processing them. Smaller application fees (householder) are proposed to be increased at the end of 2024 from £258 to £528 to support suitable resources to process these applications in a timely manner. The Government is collecting evidence on other small applications such as change of conditions to see if these fees also justify an increase.
16. There are applications that currently do not require a fee, the Government is considering a flat administrative fee for these, such as applications for work such as designated Tree Preservation Orders, to Listed Buildings, Conservation Area demolition consent. An alternative suggestion is to set these small application

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fees locally, to cover actual costs. Either full localisation or a local variation from a default national fee.

17. It is noted in the consultation that currently planning fees can only be charged at a level which covers the actual cost to a local planning authority in determining planning applications. However, there are wider planning services, for example plan-making and enforcement, heritage and conservation, and design services, for which no fees are charged. These services therefore have to be funded through other council budgets.

Recommendation

18. That the proposals set out in the consultation are noted and that the consultation response set out in Appendices A and B is approved for submission to the Department for Levelling Up, Housing and Communities.

AUTHORITY UNDER WHICH DECISION IS MADE

Authority for this decision is contained within Part 3, Section 3.2.5:

- (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)
 - (ii) the London Councils, the Greater London Authority, the Local Government Association and all other bodies where those papers affect the services allocated.

STATEMENT OF THE REASONS FOR THE DECISION

To provide the Council's response to the Government's Consultation on the proposed changes on the NPPF.

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

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

Name: Lauren Miller

Designation: Development Planning Team Leader

Signature: 

Date: 24/09/2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Ministry of Housing, Communities and Local Government is consulting on changes to the National Planning Policy Framework (“NPPF”) with the aim of achieving sustainable growth in the Planning System. There are no legal implications or risks arising from the preparation and submission of a consultation response to the consultation.

The comments made on the consultation on the reforms to the NPPF 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.

FINANCIAL IMPLICATIONS AND RISKS

There are no direct financial implications or risks arising from the Council’s response to this consultation.

The consultation does propose increasing planning application fees for householder planning applications, this is supported by the Council in the consultation response.

If following the consultation, the new framework is implemented, this would result in additional income for the Council. However, this cannot be quantified until the outcome of consultation is known.

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

There are no HR implications or risks arising. The preparation of a consultation response has been undertaken by existing staff resources in the Planning service.

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:

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

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

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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.

The Government's proposals do not appear to have been subject to an EQIA, the Council's consultation response requests that a full EQIA is carried out.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The consultation seeks views on revisions to the NPPF to increase support for renewable energy schemes, tackle climate change and safeguard environmental resources. The Government states that 'Ensuring the transition to clean power will help boost Britain's energy independence, reduce energy bills, support high-skilled jobs and tackle the climate crisis. Boosting the delivery of renewable energy is also vital to meet the Government's commitment to reaching zero carbon electricity generation by 2030.'

The Government is proposing amendments to direct decision makers to give significant weight to the benefits associated with renewable and low carbon energy generation, and proposals' contribution to meeting a net zero future. In doing so, this aims to increase the likelihood of local planning authorities granting permission to renewable energy schemes and contribute to reaching zero carbon electricity generation by 2030. The Council's proposed consultation response supports these changes.

BACKGROUND PAPERS

None

APPENDICES

Appendix A – Response Letter

Appendix B – Response to 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

Details of decision maker

Cllr Graham Williamson

Signed

Signed 

Name: Councillor Graham Williamson

Cabinet Portfolio held: Cabinet Member for Regeneration

CMT Member title: Neil Stubbings

Head of Service title: Helen Oakerbee

Other manager title: Lauren Miller

Date: 24/09/24

Lodging this notice

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

For use by Committee Administration

This notice was lodged with me on _____

Signed _____