

Bolsover District Council

Meeting of the Planning Committee on 4th September 2024

Proposed reforms to the National Planning Policy Framework and other changes to the planning system – open consultation.

Report of the Assistant Director of Planning & Planning Policy

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| Classification | This report is Public. |
| Report By | Sarah Kay - Assistant Director of Planning & Planning Policy |

PURPOSE/SUMMARY OF REPORT

To provide Members with a summary of the open consultation for the proposed reforms to the National Planning Policy Framework and other changes to the planning system, published on 30th July 2024.

REPORT DETAILS

1. Background

- 1.1 On the 30th July 2024 the Ministry of Housing, Communities and Local Government (MHCLG) launched an [open consultation](#) on their proposed approach to revising the National Planning Policy Framework (NPPF) to achieve sustainable growth in the planning system.
- 1.2 The consultation principally relates to the supply of land to boost housing, but it also seeks views on a series of wider interventions relating to planning fees, local plan interventions, and thresholds for Nationally Significant Infrastructure Projects (NSIPs).
- 1.3 The consultation comprises of 106 questions in total (listed in Appendix 1) and closes on the 24th September 2024. Accompanying the consultation was publication of the [draft NPPF](#) text, which encompasses the proposed changes.

2. Details of Proposal or Information

- 2.1 The consultation is split into chapters detailed in the table below:

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| Chapter 1. | Introduction |
| Chapter 2. | Policy objectives |
| Chapter 3. | Planning for the homes we need |
| Chapter 4. | A new Standard Method for assessing housing needs |

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| Chapter 5. | Brownfield, grey belt and the Green Belt |
| Chapter 6. | Delivering affordable, well-designed homes and places |
| Chapter 7. | Building infrastructure to grow the economy |
| Chapter 8. | Delivering community needs |
| Chapter 9. | Supporting green energy and the environment |
| Chapter 10. | Changes to local plan intervention criteria |
| Chapter 11. | Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects |
| Chapter 12. | The future of planning policy and plan making |

- 2.2 Across those chapters, the key principles of the consultation centre around housing need and targets, greenbelt, local plans, and other aspects of planning reform.
- 2.3 The consultation seeks to re-introduce a focus on supply of land as the primary presumption in favour of 'sustainable development', which will affect para. 11 of the NPPF (the tilted balance remains, but will be more intrinsically linked to policies connected with the supply of land).

Housing need and targets

- 2.4 In respect of the above the consultation reaffirms the Government objective to significantly boost the supply of homes. In order to boost supply, the consultation emphasises that local requirements will be based on identified housing need and the consultation indicates the intention to reintroduce the 5-year housing land supply (5YHLS) requirement, restore the 5% buffer on the 5YHLS (or require a 20% buffer if the council score below 85% in the housing delivery test), remove the urban uplift, and disallow fixing 5YHLS through annual position statements.
- 2.5 To coincide, the consultation introduces a new standard method calculation formula to be used by all councils, using a baseline based on existing housing stock levels, a stronger affordability multiplier, and removing caps / additions.
- 2.6 The implication for Bolsover is that currently the standard method results in a requirement for 195 dwellings per annum, which will rise to 404 dwellings per annum as a result of the new standard method formula. This is significantly above the Local Plan requirement of 272 dwellings per annum.
- 2.7 Alongside new housing targets, the consultation also proposes to amend policy on housing mix, introducing specific reference to social rent and 'looked after children'. Through the consultation the requirement for the first 10% of homes to be affordable home ownership (First Homes) is deleted.

Greenbelt

- 2.8 The consultation considers a number of changes to greenbelt, including the introduction of 'grey belt' (by definition), and a compulsory review of greenbelt to become necessary if identified housing, commercial and other needs cannot be met.

- 2.9 As proposed, any sites for development that meet the new 'grey belt' definition will be deemed 'appropriate' if they are in a sustainable location, and will not need to demonstrate 'very special circumstances'.
- 2.10 To coincide with the above, the consultation indicates any greenbelt land released through plan-making or planning decisions will need to meet the following 'golden rules':
- at least 50% affordable housing (if the scheme involves the provision of housing).
 - necessary local and national infrastructure.
 - the provision of new, or improvements to existing, local green spaces, accessible to the public.

Local plans

- 2.11 The consultation indicates that it is the intention to implement the new plan-making system as set out in the Levelling-up and Regeneration Act from summer or autumn 2025. This includes transitional arrangements for any plans being examined, or at regulation 19 stage. This does not affect Bolsover.
- 2.12 Current system plans that are not subject to transitional arrangements need to be submitted for examination under the existing 2004 Act system no later than December 2026.
- 2.13 For Bolsover, with the intended Local Plan Review timescales already in place (i.e. before March 2025), this will mean any of our current plan-making proposals lie outside of the 2004 system, and will be captured in the new plan-making system in future.
- 2.14 Alongside this, the duty to cooperate through plan-making is proposed to be re-emphasised and is intended to capture meeting housing need (inc. neighbours' unmet need), strategic infrastructure, and climate resilience.

Other reform

- 2.15 A series of other supplementary reforms are also captured by the consultation, which relates to fees, design and design-codes, strategic planning, local plan intervention, NSIPs and climate change as follows.
- 2.16 **Fees:** the consultation includes proposals to further increase planning fees, firstly for householder applications (£258-£528), but subsequently for other applications as well. These changes are based upon the cost recovery of administering and determining planning applications, and includes for local authorities being able to recover costs for their involvement in NSIP related applications as well. It is also seeking views on the localisation of planning fees and local variation from a default national set fee regime.
- 2.17 **Design and design-codes:** the consultation proposes to remove reference to 'beauty' and 'beautiful', which will limit subjectivity / ambiguity of these terms. In addition, the consultation retains design-code emphasis but shifts their role from a district wide code to localised design codes, masterplans and guides for sites subject to the most change / potential.

- 2.18 **Strategic Planning:** the consultation seeks to re-introduce a regional tier of planning through the introduction of Spatial Development Strategies (SDSs), which will see Mayors overseeing the development and agreement of SDSs. Outside of mayoral areas, other appropriate geographies will be considered.
- 2.19 **Local plan intervention:** the consultation indicates the Government is committed to taking tough action to ensure authorities have up-to-date local plans in place, and proposes to revise the policy criteria for intervention (whilst maintain flexibility). Such measures would include issuing plan-making directions and/or SoS intervention.
- 2.20 **NSIPs and climate change:** the consultation seeks to increase the scope of commercial projects covered by the NSIP regime (including data centres, gigafactories, and/or laboratories), and also considers reducing the mega wattage thresholds for renewable energy projects (wind and solar). Other references to climate change seek views how national policy can be strengthened to deliver measurable climate change mitigation, it makes reference to agricultural land and food production, and also water resilience.

3. Recommendation

- 3.1 The purpose of this report is to provide Members with a general overview of the consultation issues.
- 3.2 Officers across both the Planning Policy and Development Management teams are currently co-ordinating responses to each of the questions in the consultation. This is targeted to be complete by the 13th September 2024.
- 3.3 The consultation timescales do not allow the fully completed response to be reported back to planning committee before the consultation deadline and therefore it is proposed for the final response to be shared with the Chair of Planning Committee and the Portfolio Holder for Growth for agreement, prior to submission by the Assistant Director of Planning & Planning Policy before the 24th September 2024 deadline.
- 3.4 The consultation indicates that the Government intend to press ahead with the changes that support their plans as soon as possible, with the consultation indicating that they will respond to this consultation and publish NPPF revisions before the end of the year. With this in mind, Officers will report to the Local Plan Implementation Advisory Group in October on the implications for this consultation and the current Local Plan Review.

4 Alternative Options and Reasons for Rejection

- 4.1 The alternative option would be to not respond to the consultation, but given the proposals have the potential to impact the district in terms of housing and growth, and affect the wider planning service, this alternative option was rejected.

RECOMMENDATION(S)

1. That Members consider the scope and provisionally indicated implications of the consultation, and endorse the preparation of a detailed response to all 106 questions by Officers; and
2. That Members delegate final agreement of the detailed response to the Assistant Director of Planning & Planning Policy, in consultation with the Chair of Planning Committee, and the Portfolio Holder for Growth.

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| <u>IMPLICATIONS:</u> | |
| <u>Finance and Risk:</u> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Details: N/A | |
| On behalf of the Section 151 Officer | |
| <u>Legal (including Data Protection):</u> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Details: N/A | |
| On behalf of the Solicitor to the Council | |
| <u>Environment:</u> | |
| Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. | |
| Details: N/A | |
| <u>Staffing:</u> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Details: N/A | |
| On behalf of the Head of Paid Service | |

DECISION INFORMATION

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| Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i> | No |
| Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> | No |

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| District Wards Significantly Affected | District Wide |
| Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input checked="" type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/> | Details: |

Links to Council Ambition: Customers, Economy, Environment and Housing.

The open consultation, and the wider planning service, have links to all four of the council ambitions through the promotion of sustainable growth and development in general.

DOCUMENT INFORMATION

| Appendix No | Title |
|--------------------|---|
| 1. | List of questions contained in the open consultation. |

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).

APPENDIX 1: LIST OF QUESTIONS FROM OPEN CONSULTATION

Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?

Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?

Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?

Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?

Question 11: Do you agree with the removal of policy on Annual Position Statements?

Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?

Question 14: Do you have any other suggestions relating to the proposals in this chapter?

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?

Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?

Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

Question 19: Do you have any additional comments on the proposed method for assessing housing needs?

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?

Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?

Question 38: How and at what level should Government set benchmark land values?

Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?

Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?

Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?

Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?

Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?

Question 46: Do you have any other suggestions relating to the proposals in this chapter?

Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?

Question 49: Do you agree with removing the minimum 25% First Homes requirement?

Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?

Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?

Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?

Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

Question 54: What measures should we consider to better support and increase rural affordable housing?

Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?

Question 56: Do you agree with these changes?

Question 57: Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?

Question 60: Do you agree with proposed changes to policy for upwards extensions?

Question 61: Do you have any other suggestions relating to the proposals in this chapter?

Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

Question 63: Are there other sectors you think need particular support via these changes? What are they and why?

Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

Question 66: Do you have any other suggestions relating to the proposals in this chapter?

Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?

Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

Question 71: Do you have any other suggestions relating to the proposals in this chapter?

Question 72: Do you agree that large onshore wind projects should be reintegrated into the s NSIP regime?

Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?

Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?

Question 82: Do you agree with removal of this text from the footnote?

Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

Question 86: Do you have any other suggestions relating to the proposals in this chapter?

Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?

Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?

Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?

Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

If Yes, please explain in the text box what you consider an appropriate fee increase would be.

Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?

Yes

No – it should be higher than £528

No – it should be lower than £528

no - there should be no fee increase

Don't know

If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.

Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.

Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?
Please give your reasons in the text box below.

Question 95: What would be your preferred model for localisation of planning fees?

Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.

Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.

Neither

Don't Know

Please give your reasons in the text box below.

Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?

Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

Question 102: Do you have any other suggestions relating to the proposals in this chapter?

Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?

Question 104: Do you agree with the proposed transitional arrangements?

Question 105: Do you have any other suggestions relating to the proposals in this chapter?

Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?