

**Report for: Scrutiny**

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Date of Meeting:	25 <sup>th</sup> November 2024
Subject:	The impact of the Government's proposed changes to National Planning Policy on the Council's priorities and preparation of a new Local Plan.
Cabinet Member:	Councillor Steve Keable, Cabinet Member for Planning and Economic Regeneration.
Responsible Officer:	Richard Marsh, Director of Place and Economy
Exempt:	Not Applicable
Wards Affected:	All
Enclosures:	<b>Appendix 1</b> – Mid Devon District Council's submitted response to the Government's consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system

**Section 1 – Summary and Recommendation**

This report is produced following the request of the Scrutiny committee to receive a report on *“the impact of the Government's proposed changes to National Planning Policy on the Council's priorities and preparation of a new Local Plan”*

**Recommendations:**

- 1. That Members note the report.**

**Section 2**

**1.0 Report**

- 1.1 The request for this report was made at the Scrutiny Committee meeting held on 17 June 2024. This predates the general election held on 04 July 2024,

the subsequent publication of proposed reforms to national planning policy by the newly elected Government with a Labour administration, and autumn budget announcements made on 30<sup>th</sup> October 2024. However, the request was made at the time the Labour party had published its manifesto. This made clear that “planning reform to build 1.5 million new homes” is a key part of the Labour party’s pledge to “kickstart economic growth”. The manifesto states *“Britain is hampered by a planning regime that means we struggle to build either the infrastructure or housing the country needs”* and includes a pledge *“we will immediately update the National Planning Policy Framework to undo damaging Conservative changes, including restoring mandatory housing targets. We will take tough action to ensure that planning authorities have up to date Local Plans and reform and strengthen the presumption in favour of sustainable development.”* The manifesto also includes references to supporting the development of a modern economy, a ‘brownfield first’ approach, and ‘introducing effective mechanisms for cross-boundary strategic planning’.

- 1.2 The new Government published its proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system on 30<sup>th</sup> July 2024. These proposals were subject to a public consultation which ran from 30<sup>th</sup> July to 24<sup>th</sup> September 2024. The consultation proposals have reflected the pledges set out in the Labour party’s manifesto.
- 1.3 The Council submitted a detailed and comprehensive response to the Government’s consultation on 23<sup>rd</sup> September. This response followed careful consideration of the consultation proposals by the Planning Policy Advisory Group at its meeting on 29<sup>th</sup> August, and the Cabinet at its meeting on 17<sup>th</sup> September. All Members have been engaged in formulating the Council’s response to the Government. The Council’s submitted response to the consultation is attached to this report in **Appendix 1**.
- 1.4 The purpose of this report is not to revisit the Council’s submitted response in detail, but to provide an assessment of the potential impact of the Government’s proposed changes to National Planning Policy on the Council’s priorities and preparation of a new Local Plan. Members are reminded that the Government’s proposals remain consultation proposals at this time and that the Government is currently analysing the feedback to this. In its autumn budget document “Fixing the foundations to deliver change” the Government has confirmed its intention to respond to the NPPF consultation “before the end of the year to confirm pro-growth reforms to the planning system”.

## **2.0 Council priorities – Corporate Plan**

- 2.1 The Council’s priorities are set out in the Council’s Corporate Plan 2024 – 2028. This details the Council’s aims and objectives, which are centred around five themes: Planning, Environment and Sustainability; Community, People and Equalities; Homes; Economy and Assets; and Service Delivery and Continuous Improvement. The Government’s proposed changes to

national planning policy are most relevant to the three themes: Planning, Environment and Sustainability; Homes; and Economy and Assets.

#### *Planning, Environment and Sustainability*

- 2.2 This Corporate Plan theme includes a focus on responding to the climate emergency, moving towards net zero carbon targets, working with communities to bring forward the new local plan, increasing biodiversity and protecting Mid Devon's natural and built environment.
- 2.3 The proposed changes to the NPPF will remove additional tests that are placed on on-shore energy from wind development (including the current requirements for sites to be allocated in local plans and for proposals to have community support), and reintegrate on-shore wind into the National Significant Infrastructure Project regime with thresholds for this form of energy together with solar developments. The revised wording makes clear local planning authorities should support planning applications for all forms of renewable and low carbon development, including community-led projects. These proposed changes could assist in bringing forward renewable energy development proposals in the district and supporting the Corporate Plan theme. The proposed changes to the NPPF do not make any changes to national planning policy in relation to community engagement on planning applications that have been submitted to the Council for determination or in relation to the preparation of local plans, or changes in relation to national planning policy for biodiversity or relevant to protecting Mid Devon's natural and built environment (i.e. landscape and heritage).

#### *Homes*

- 2.4 The Corporate Plan theme 'Homes' seeks to increase the delivery of quality designed, well built homes across the housing market to meet identified needs, delivering new affordable and social homes annually, improving and maintaining the existing stock to the highest standards (including the building of energy efficient and low carbon homes). These corporate aims remain consistent with the Government's proposed changes to the NPPF and other changes to the planning system in relation to planning for new homes.
- 2.5 The Government has made clear its intention to reverse changes made to the NPPF by the previous Government in December 2023, and it seeks to introduce measures that will increase the number of homes built nationally. These include:
- reforming the presumption in favour of sustainable development, by making clear it is triggered when relevant policies for the supply of land are out of date. Where a 5 year supply of housing land cannot be demonstrated the presumption will tilt the balance towards the approval of planning permission. However, the proposed changes also address the concern that developers have used the presumption to promote low quality, unsustainable development through adding an explicit

reference to the need to consider locational and design policies, as well as policies for the delivery of affordable housing;

- reinstating the requirement for Councils to demonstrate a 5 year deliverable supply of new homes, regardless of local plan status;
- reintroducing the requirement for a 5% buffer to be added on top of 5 year housing supply calculations;
- making the 'standard method' mandatory for calculating district housing requirements (rather than it being an advisory starting point and allowing alternative approaches in exceptional circumstances);
- making clear the benefits of mixed tenure sites and also the need for local planning policies to set out the minimum proportion of social rent homes required.

2.6 The Government's consultation proposals also include changes to the 'standard method' itself, with housing requirements being calculated using a housing stock based approach (rather than population forecasts), and with an adjustment for local affordability. These changes, if brought into effect, will result in a significant increase to the district's annual housing requirement and have implications for plan making in Mid Devon. This matter is discussed in section 3 to this report.

2.7 The Government's consultation proposals do not change current national planning policy for local planning authorities to give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings. Members are reminded that energy efficiency standards are set through the national Building Regulations. However, there exists an opportunity for the Council to set higher standards through the preparation of the new local plan and where this can be supported through technical evidence and is justified.

#### *Economy and Assets*

2.8 The Corporate Plan seeks to grow the district's economy and increase returns from the Council's assets. This includes the regeneration of town centres, supporting business and economic development across Mid Devon, and securing investment in major transport infrastructure. The Government's consultation proposals place significant weight on the importance of facilitating new, expanded or upgraded public service infrastructure and introduce a 'vision-led' approach to transport planning rather than 'predict and provide'. These also place emphasis on seeking appropriate sites for commercial development which meet the needs of a modern economy, including uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics. This particular emphasis is a matter that will need to be weighed up through the review of the Council's economic strategy and also through the preparation of the new local plan.

### **3.0 New Local Plan (Plan Mid Devon)**

- 3.1 The Government’s consultation proposals do not alter the legal requirement for local plans to be reviewed at least every five years, and for plans to be updated as necessary. The consultation makes clear that local planning authorities should continue to progress their plans to adoption under the existing system and without delay. Of particular note is that the deadline for submitting local plans for examination under the existing 2004 Act has been moved from June 2025 to December 2026. The Government is intent on implementing a new plan-making system as set out in the Levelling-up and Regeneration Act from the summer or autumn 2025. Its proposals include transitional arrangements for meeting the requirements of an amended NPPF. These transitional arrangements are of most relevance to plans that are at advanced stages of production (i.e. plans at examination now, and plans that have reached Regulation 19 publication stage but not yet been submitted for examination). Where plans are at earlier stages of preparation they should be prepared against a revised version of the NPPF and progressed as quickly as possible. This will be the case for the preparation of ‘Plan Mid Devon’.

*Local Development Scheme and plan making timetable*

- 3.2 The current timetable for the preparation of the new local plan for Mid Devon is included the published Local Development Scheme that was approved by the Cabinet on 4<sup>th</sup> July 2023 (minute 17) and this is reproduced in Table 1.

Table 1 Local Development Scheme approved July 2023

Stage	Date
Regulation 18 Issues Consultation	January – March 2022 (completed)
Regulation 18 Draft Policies and Site Options*	November 2024 – January 2025
Regulation 19 Publication (Draft Plan) consultation	December 2025 – February 2026
Submission	April 2026 <sup>#</sup>
Examination and main modifications	April 2026 – March 2027
Adoption	April 2027

\* There is no formal requirement to do this, but the stage will provide for enhanced public engagement and an opportunity to resolve objections to the emerging local plan before it reaches its draft plan stage

# Once the local plan is submitted the timetable will be subject to how the Planning Inspectorate progresses the examination

- 3.3 Since the Local Development Scheme was approved, substantive progress has been made in completing technical studies and evidence, formulating emerging draft policies for a number of themes (including responding to the climate emergency, new homes, business and jobs) and initial consideration of some potential site options to meet the assessed development needs for the district. This has involved a number of meetings with the Planning Policy Advisory Group, which are ongoing, and which are open for all Members to

attend. However, progress has been impacted through unforeseen and competing work pressures and priorities from late 2023 and through 2024.

- 3.4 The Local Development Scheme indicates that a Regulation 18 Draft Policies and Site Options report will be published and subject to consultation in the period November 2024 to January 2025. However, this is no longer feasible and will need to be revisited in light of progress made in preparing the new local plan and also with consideration of potential implications from the Government's proposed changes to the NPPF and other changes to the planning system, particularly in relation to planning for new homes. Additionally there remains a significant volume of further technical work that is necessary to inform the new local plan, including transport and other infrastructure studies, viability and sustainability appraisals. It is intended that approval for a new Local Development Scheme will be sought from the Planning, Environment and Sustainability PDG and Cabinet in early 2025 once the new NPPF has been published.

*Standard method and the district housing requirement*

- 3.5 Should the Government's proposed amendments to the 'standard method' for calculating housing need be introduced, this will result in a significant uplift in annual housing requirement for Mid Devon from the current 346 homes to 571 homes per year. This would represent an increase of about 4,500 new homes that will need to be planned for over a 20 year period for the new local plan. While officers are currently completing technical work for the Housing and Economic Land Availability Assessment, it remains uncertain whether there would be a sufficient number of assessed potential sites that would be capable of meeting this increased housing requirement for the district. It is therefore likely that further technical work could be needed to inform draft site options for the purpose of the Draft Policies and Site Options consultation (potentially a further 'call for sites' and associated assessments) and this will impact on the plan-making timetable.

*Joint strategic planning*

- 3.6 The Levelling-up and Regeneration Act 2023 will revoke the Duty to Cooperate in relation to the reformed plan making system. However the Duty remains a legal requirement under the current local plans system and will continue to apply to local plans progressed within the current system.
- 3.7 The Government's consultation proposals make clear that it intends to introduce effective new mechanisms for cross-boundary strategic planning. This will play a pivotal role in delivering sustainable growth and addressing key spatial issues, including meeting housing needs, delivering strategic infrastructure, growing the economy and improving climate resilience. The Government will take the steps necessary to enable universal coverage of strategic planning in this Parliament, which will be formalised in legislation. This will include exploring effective arrangements for developing Spatial Development Strategies outside of elected mayoral areas and encouraging

partnership working. The proposals will include amending the 'maintaining effective co-operation' section of the NPPF to ensure that the right engagement is occurring on the sharing of unmet housing need and other strategic issues where plans are being progressed.

- 3.8 Whilst the details for these proposals are not yet known, Members are reminded the Council already has a proactive and supportive approach to strategic planning and continues to work closely with Exeter City Council, Teignbridge and East Devon District Councils in relation to cross border planning and infrastructure matters. This has included the recent preparation of a non-statutory Joint Strategy for the four local authority areas, which is published on the Council's website here: [Joint Strategy 'Our Shared Coordinates' - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/joint-strategy-our-shared-coordinates) .

#### **4.0 Conclusions**

- 4.1 This report has drawn attention to some of the key implications arising from the Government's consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system in relation to the Council's Corporate Plan and the preparation of a new local plan for the district. However, Members are also advised to refer the consultation proposals in full, which include proposed improvements to the existing system of developer contributions, changes to planning application fees and cost recovery, and other matters, and are published on the Government's website: [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system) , and also refer to the Council's submitted responses to these proposals in **Appendix 1** to this report.
- 4.2 The Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system, if brought into effect, will have implications for the preparation of the new local plan in terms of its content, work programme and timetable. However, the Government has made clear that local planning authorities should continue to progress their plans to adoption under the existing system and without delay. There will be a need to revisit the timetable for preparing the new local plan in early 2025 once the revised NPPF has been published and implications of amended national planning policy have been fully assessed. A further review of the local plan timetable and work programme may subsequently become necessary once the details for introducing a reformed plan making process are known and the implications of these reforms have been fully assessed.

#### **Financial Implications**

There are no direct financial implications arising from this report.

#### **Legal Implications**

No direct legal implications arise from this report.

#### **Risk Assessment**

No specific risks are considered to arise from this report.

### **Impact on Climate Change**

There are no direct impacts on climate change arising from this report.

### **Equalities Impact Assessment**

Not applicable.

### **Relationship to Corporate Plan**

This report draws attention to the relationship of some of the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system, with the objectives of the Council's Corporate Plan 2024 – 2028.

## **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 12 November 2024

**Statutory Officer:** Maria de Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 12 November 2024

**Chief Officer:** Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

**Date:** 12 November 2024

**Performance and risk:** Steve Carr

**Date:** 28 October 2024

**Cabinet member notified:** Yes

## **Section 4 - Contact Details and Background Papers**

**Contact:** Richard Marsh, Director of Place and Economy. [rmarsh@middevon.gov.uk](mailto:rmarsh@middevon.gov.uk)

### **Background information**

[Change Labour Party Manifesto 2024](#)

[Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](#)



HM Treasury Autumn Budget 2024 Fixing the foundations to deliver change (October 2024)

[Autumn Budget 2024 – HC 295](#)

Cabinet meeting 17<sup>th</sup> September 2024

[Public reports pack 17092024 1715 Cabinet.pdf](#)

[Revised NPPF may be delayed until the new year, says minister | Planning Resource](#)

[corporate-plan-2024-2028.pdf \(middevon.gov.uk\)](#)

[Local Development Scheme - MIDDEVON.GOV.UK](#)

Planning Newsletter 13<sup>th</sup> September 2024

[Planning update newsletter \(13 September 2024\) \(publishing.service.gov.uk\)](#)