

Title: Warwick District Council response to proposed changes to the NPPF and other reforms to the planning system

Lead Officer: Philip Clarke, Head of Place, Arts & Economy; Andrew Cornfoot, Planning Policy & Major Sites Delivery Manager

Portfolio Holder: Councillors King

Wards of the District directly affected: All

Approvals required	Date	Name
Portfolio Holder	17/9/24	Councillor Chris King
Finance	12/9/24	Andrew Rollins
Legal Services	12/9/24	Nigel Bell
Chief Executive	12/9/24	Chris Elliott
Director of Climate Change	12/9/24	Dave Barber
Head of Service(s)	12/9/24	Philip Clarke
Section 151 Officer	12/9/24	Andrew Rollins
Monitoring Officer	12/9/24	Graham Leach
Leadership Co-ordination Group	30/9/24	
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No.	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No.	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	Yes, Forward Plan item 1,496 – scheduled for October 24	
Accessibility Checked?	Yes	

Summary

To confirm the response submitted on behalf of Warwick District Council to the government consultation on the proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system and to propose an amendment to the scheme of delegation in respect of future similar consultations.

Recommendations

- (1) That Cabinet endorses the comments attached as appendix 1 to the recent government consultation on National Planning Policy Framework (NPPF) and other changes to the planning system.
 - (2) That Cabinet recommends to Council that the scheme of delegation is amended as set out in the text following paragraph 1.13 below.
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1 Reasons for the Recommendations

Recommendation 1

- 1.1 On 30th July, the new government launched a public consultation on some proposed changes to the planning system which will impact Warwick District Council (and all other local authorities across England). The government is seeking views on a proposed approach to revising the National Planning Policy Framework (NPPF) and also on a series of wider policy proposals in relation to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects.
- 1.2 The consultation was supported by a revised draft of the NPPF which can be [viewed here](#). More information and explanation of the consultation can be [viewed here](#).
- 1.3 Although there is no requirement for the Council to make a formal response to consultations such as this, it is our usual practice to do so. Given the relatively short period for the consultation (which closed on 24th September) and its timing over the summer period, it was not possible to bring a report to Cabinet with a proposed response from Warwick District Council before the end date of the consultation. Accordingly, it was agreed through the Leadership Coordination Group that a group of councillors, working alongside the portfolio holder for Place, would agree the text of an interim response which would be submitted in accordance with the government deadline, and all councillors were given an opportunity to review and comment on these. This response is attached at **appendix 1** to this report. It was also agreed that this response would be formally presented to Cabinet at the first available opportunity. This report provides that opportunity. Any further comments made by way of amendments to the recommended response will be submitted to the government as additional comments of this Council, although it should be noted that this will be beyond the closing date for the consultation and therefore, we cannot guarantee they will be considered by government.
- 1.4 The consultation has been structured as a series of 106 questions. The decision has been made to focus on those which are of most direct relevance to, or which have the greatest impact on, Warwick District. Accordingly, as can be seen in appendix 1, responses are provided to most but not all questions.

- 1.5 Because this council is working alongside Stratford-on-Avon District Council to prepare the South Warwickshire Local Plan (SWLP), it is appropriate that the two councils together consider how we would respond to any matters that will impact on the SWLP. These would include matters concerning plan-making, meeting housing needs and Green Belt. Accordingly, officers have worked together with colleagues at SDC in the preparation of some of these responses, however these may in some cases be amended to reflect local concerns and priorities.
- 1.6 The issues raised through the changes proposed by this consultation are important and wide ranging. In presenting these consultation responses, officers would draw Cabinet's attention particularly to the following (cross references have been made where appropriate, to the consultations questions):-
- 1.7 Meeting housing needs
- The government is proposing to reintroduce mandatory housing targets to underpin work on Local Plan preparation (questions 1-14). (These were abolished under the previous version of the NPPF.). Importantly, in calculating this, the government has developed a new "standard method" for calculating housing needs (15-19). The current standard method approach was introduced in 2018 and is a trend-based model, which looks back at house building in the local area over a number of years. It also factors in levels of affordability of housing (with additional homes directed to those areas where affordability is more challenging). Finally, it includes an arbitrary 35% uplift for major cities including, in this area, Coventry. The proposed new standard method has a baseline based on a percentage of existing housing stock levels. It retains the affordability multiplier but does not apply the urban uplift.
 - The current standard method has been criticized locally, both because it is a trend-based model which focuses more housing on those areas which have seen greater levels of housebuilding in recent years, and also because it is based on largely historic (and out of date) data. The major cities uplift has also had the effect of putting more housing into areas such as Coventry which then puts pressure on Warwick District when Coventry has not been able to make provision to meet its needs within its area.
 - There is also helpful clarity around affordable housing provision (34, 40, 47-61). Housing colleagues have helped draft the response to these questions.
- 1.8 Green Belt
- There have been a number of significant changes to Green Belt policy (20 – 46). Amongst these changes are proposals to:-
 - a. Set criteria for the release of Green Belt land for development and make some minimum planning requirements for land that is released (including (subject to viability) at least 50% affordable housing)
 - b. Redefining "inappropriate development" in cases where there is no five-year supply of housing land (as is currently the case in Warwick District)
 - c. Defining "grey belt" areas within the Green Belt. These are areas 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.

- These changes would have a significant impact on Warwick District, both in terms of how we would consider Green Belt land as we prepare the SWLP, and how we would determine planning applications. Given that it has been determined that Warwick District does not have a five-year supply of housing land, the current NPPF would exclude Green Belt areas from those that may have to be considered favourably for planning approval. The proposed NPPF would not exclude Green Belt land in the same way, opening up the possibility of more development taking place in Green Belt areas outside of the Local Plan process.

1.9 Plan-making (43, 103 - 106)

- The consultation sets out transitional arrangements for Local Plans that are currently in preparation as to how they would be impacted by the changes proposed in this consultation. These mainly impact on those at an advanced (regulation 19 and beyond) stage of preparation. This does not cover the SWLP. Our Plan will be expected, under these proposals, to follow all the policy direction in this NPPF. This would include the use of the new "standard method" as a basis for deriving housing needs.

1.10 Planning fees (89 – 102)

- At the present time, fees for the submission of planning applications are set centrally by government. Outside of the changes to the NPPF, the government is also consulting on proposals to allow local planning authorities to set their own planning fees. They are consulting on the principle of helping local planning authorities recover the full costs of processing planning applications. As an example given in the consultation, all householder planning applications have a set fee of £258. The government estimates that the average cost (nationally) for local authorities to process such applications is £528. The consultation is asking for views both on the principle of the local setting of fees based on full cost recovery (including how much latitude councils should be given), and its scope.

Recommendation 2

- 1.11 This is a national planning policy consultation. There is no requirement for the Council to respond however, along with many other local authorities, it is our usual practice to do so.
- 1.12 A problem with such consultations is that often the timing of committee cycles makes it impossible to formally prepare and agree a response within the consultation period. This is the case with this consultation. It is also relevant that whilst any responses to such national consultations reflects views within the Council at the time, they are not binding on the Council in any way in terms of future decisions that we make.
- 1.13 Currently, there is delegated authority for the Head of Place, Arts & Economy, in consultation with the relevant portfolio holder, to respond to Planning Policy consultations, that may affect Warwick District undertaken by neighbouring or overlapping authorities. This delegation specifically excludes national Planning Policy and other national planning-related consultations. Given that such consultations are not binding on the Council, and that sometimes it is not possible to prepare formal Cabinet reports within the timeframe of the consultation, it is proposed that the current delegation is amended as follows. (Text to be deleted has been ~~struck through~~; new text is shown **in bold**.)

Amendment to current delegation PE(4) to the Head of Place, Arts & Economy.

*make representations, in consultation with the relevant Portfolio Holder, in relation to Planning Policy consultations, that may affect Warwick District undertaken by neighbouring or overlapping authorities; **also to make representations, in consultation with the relevant portfolio holder and all Group Leaders, in relation to National Planning Policy and other national planning-related consultations.***

This does not include where, in the judgement of the Head of Place, Arts & Economy or the relevant Portfolio Holder, the issues arising from the consultation are such that they have important strategic implications for Warwick District. ~~the following:~~

- ~~• National Planning Policy and other national planning-related consultations; and~~
- ~~• Where in the judgement of the Head of Development **Place, Arts & Economy** or the relevant Portfolio Holder, the issues arising from the consultation are such that they have important strategic implications for Warwick District.~~

2 Alternative Options

- 2.1 There is no requirement on the council to respond to this consultation and so an alternative option would be for the Council not to make a response. This is not recommended as it is felt helpful for the Council to make any concerns it may have about the changes known to Government through this consultation. It is also an important opportunity to register support for any proposed changes which it is considered would be helpful to the Council, particularly in its plan-making work and in any opportunities to increase planning fees which would help the Council to cover the cost of supporting the services it provides.

3 Legal Implications

- 3.1 There are no legal implications associated with this report.

4 Financial Services

- 4.1 There are no financial implications associated with this report. There will be potential positive financial implications in the event that, following this consultation, the council is given the discretion to set its own fees for planning applications or nationally set planning fees are increased.

5 Corporate Strategy

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation. If the changes proposed in this public consultation are brought into effect, this will have an impact on many aspects of the way in which the planning service is delivered. Many aspects of the proposed changes will impact upon the Council's strategic goal of promoting vibrant communities, a welcoming atmosphere and good mental and physical health and wellbeing within all our towns and villages.
- 5.2 The potential increase in planning fees will have a positive impact on the strategic goal of continuing to ensure that the Council's finances remain on a firm and sustainable footing.

6 Environmental/Climate Change Implications

- 6.1 These are considered as part of any proposed response to the public

consultation.

7 Analysis of the effects on Equality

- 7.1 The Government will undertake its own Equality Impact Assessment of these changes.

8 Data Protection

- 8.1 No issues.

9 Health and Wellbeing

- 9.1 These are considered as part of the proposed response to the public consultation.

10 Risk Assessment

- 10.1 There are no risks associated with the decision on whether the Council makes a formal response to this public consultation. As part of the Council's place shaping role, there may be an expectation by some stakeholders that the Council will respond to such a consultation, and so there may be some very minor reputational risks if the Council decided not to do so.
- 10.2 There is a risk that the government will not take additional comments made at this time into account, as these would be made after the close of the consultation period.

11 Consultation

- 11.1 All councillors were given the opportunity to comment on the proposed response.

Background papers:

All documents relating to the Government consultation can be viewed [here](#).