

To: EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT
13 SEPTEMBER 2024

**GOVERNMENT CONSULTATION
PROPOSED CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF),
AND WIDER PLANNING REFORMS**

Executive Director: Place

1 Purpose of Report

- 1.1 The Government is consulting on changes to the National Planning Policy Framework (NPPF), and wider planning reforms. The proposed changes are aimed at facilitating and boosting housing delivery (with a focus on affordability and prioritising social rented tenures) and sustained economic growth. Other issues which are addressed include potential reforms to planning fees, revisions to strategic planning and cooperation between authorities. The consultation closes on 24th September 2024. The Council's proposed response to the questions raised in the consultation are set out in Appendix A.
- 1.2 The purpose of this report is for the Executive Member for Planning, Transport and the Countryside to agree the Council's response to the consultation for submission to Government.

2 Recommendation:

- 2.1 **That the Executive Member for Planning, Transport and the Countryside agrees that the response set out in Appendix A can form the Council's submission to the Government's consultation.**

3 Reasons for Recommendation

- 3.1 The reasons for this recommendation are:
- To make the Government aware of the implications of their proposals on planning in Bracknell Forest.
 - To use this as an opportunity to influence the direction of national planning policy.
- 3.2 Further details of the impact of some of the proposals on Bracknell Forest are provided in subsequent sections of this report.

4 Alternative Options Considered

- 4.1 The alternative option is not to respond to the consultation. The Council would therefore lose the opportunity to influence future government policy especially on matters that could have an adverse impact on Bracknell Forest.

5 Supporting Information

- 5.1 The Government is consulting on draft changes to the NPPF, and other changes to the planning system. The consultation extends to 106 questions and is open until 24th September 2024. The Government has suggested that a revised NPPF is likely to be published before Christmas, possibly as early as November. The key changes that will have an impact on Bracknell Forest are outlined below.

Standard Method for assessing housing need

- 5.2 The current formula (which uses the 2014 household projections and an affordability ratio) results in a need for 563 dwellings per year at 1st April 2024. The proposed changes (which use a percentage of existing housing stock and stronger affordability multiplier) would result in the need for 767 dwellings per year at 1st April 2024. This represents an increase of 36%. The Bracknell Forest Local Plan (BFLP) is based on a requirement of 614 dwellings per annum, the figure having been set at 1st April 2020 (base date of the plan)
- 5.3 Within Berkshire, all Authorities would see substantial increases in their housing need figures, with the exception of Slough where the figure would fall by 55 dwellings per year. Across Berkshire as a whole, there would be an increase of 1,891 dwellings per year (approximately 43%).
- 5.4 Apart from Windsor and Maidenhead and Wokingham, Bracknell Forest also adjoins Surrey Heath (partially within Green Belt) where there would be an increase of 338 per year (106%) and Hart where there would be an increase of 437 per year (147%). Surrey Heath is currently consulting on its Pre Submission (Regulation 19) version of its Local Plan that contains a strategy based on a Local Housing Need figure of 321 per year.
- 5.5 The NPPF currently exempts a Local Planning Authority (LPA) with an adopted local plan that is less than five years old from having to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing. It is proposed to remove this exemption so that all LPAs, regardless of plan status would need to demonstrate a 5 year housing land supply (HLS).
- 5.6 As the BFLP was adopted in March 2024, the Council does not currently have to publish its 5 year HLS each year. This proposal would therefore change that position. Furthermore, there would be a need to add a 5% buffer to the housing land supply in addition to the flexibility built into the supply through the local plan process.
- 5.7 A further concern is that the Government is proposing to delete a provision that allowed us to take into account any over supply during the plan period. This has been the case in the first 4 years of the plan period which runs from 2020 and if deleted could further threaten the ability to demonstrate a 5 year HLS. In an environment where the Government is wishing to 'get Britain building again' and build more new homes it seems perverse that the Council might be penalised for having built more houses than expected at the beginning of the plan period.
- 5.8 As indicated above, these changes could result in the Council being unable to demonstrate a 5 year HLS. Policies for the '*supply of land*' in the BFLP would be considered 'out of date' and the presumption in favour of sustainable development set out in para. 11d of the NPPF (the 'tilted balance'), would apply. Such a situation would be totally contrary to the Council's view that growth should be plan led. It would make it more difficult to resist speculative planning applications and there would be a risk of appeals which are also costly for the Council. It is notable that

since the BFLP was adopted, there has been a distinct fall in the number of speculative applications relating to sites in countryside locations. Currently, planned growth is providing more certainty for all.

- 5.9 To help achieve the challenging housing targets, the Government is also strengthening the expectation that development on brownfield land or previously developed land (PDL) will be approved, and, reinforcing the need to promote uplifts in the density of urban areas. To this end, it is proposed to delete a paragraph in the NPPF that refers to the fact that significant uplifts in average residential density may be inappropriate if the resulting building form would be wholly out of character with the existing area. Localised design codes, masterplans and guides are to be produced for areas of most change.
- 5.10 The BFLP's spatial strategy seeks to direct development to the most sustainable locations, the settlement hierarchy (Policy LP2) being key to this approach. A further policy seeks to make efficient use of land/buildings and PDL (Policy LP3). Sites allocated for residential/employment/mixed use development (Policies LP5 and LP20) already optimise the use of available PDL. Whilst densities sought on allocated sites are challenging, especially in and around Bracknell Town Centre, the BFLP does not contain policies setting out the minimum densities to be achieved in specific areas and currently requires new development to respect the existing character of the area.

Brownfield, grey belt and Green Belt

- 5.11 The Government is proposing that a LPA should be required to undertake a Green Belt review when there is unmet need for housing, commercial or other development. It is introducing the term 'grey belt', which will encompass land within the Green Belt that is PDL and any other parcels that make a limited contribution to five Green Belt purposes¹ set out in the NPPF. It is to exclude land of environmental value or assets of particular importance, as set out in footnote 7 of the NPPF e.g. designated heritage assets. The consultation contains a definition of grey belt that is to be included in the Glossary to the NPPF. '
- 5.12 A 'sequential' approach is proposed for the release of Green Belt land, with PDL first, then "other grey belt sites" and, thirdly, "higher performing Green Belt sites". Examples given of appropriate PDL for release are former petrol stations or car parks.
- 5.13 It is proposed that land can be released through the plan making process and/or decision making process although the latter is to be limited to sustainable 'grey belt' including PDL that would not fundamentally undermine the function of the Green Belt across the plan area. The circumstances when this could occur include where a LPA cannot demonstrate a 5 year HLS or where there is unmet commercial or other need. Development of such sites would not be considered 'inappropriate'. 'Golden rules' would apply to land that is released from the Green Belt for 'major' development, through either local plans or development management decisions: at least 50% affordable housing would be required, including an appropriate proportion of social rent (subject to viability); necessary improvements to local or national infrastructure would also be required; and there should be the provision of new, or improvements to existing, local green spaces that are accessible to the public.

¹ Paragraph 143 of the 2023 NPPF

- 5.14 An initial assessment, based on our Green Belt Review (2016)² (which forms part of evidence base to the BFLP) suggests that there are no parcels within the Green Belt in Bracknell Forest, that have a 'limited contribution' to the purposes of the Green Belt and which would therefore fall within the definition of 'grey belt'. When reviewing the BFLP, if development needs can't be met outside the Green Belt, it may be necessary to refresh the Green Belt Review.
- 5.15 Bracknell Forest has land with a countryside notation as well as land with a Green belt notation. In allocating sites through the local plan process, it is not clear whether countryside land making a significant contribution to the character of the area should always be allocated before considering poorer sites within the Green Belt. A much clearer development hierarchy/sequential test should be set out within the NPPF covering all types of sites whatever policy notation.

Delivering affordable, well-designed homes and places

- 5.16 Changes are proposed to support affordable housing delivery by strengthening the existing system of developer contributions to ensure developments provide more affordable homes and requiring housing needs assessments to consider the needs of those requiring social rented properties. Prescriptive requirements relating to home ownership products are to be deleted and the balance of needs is to be determined locally. Views are also sought on how to achieve the allocation of small sites that could support small and medium sized builders. This section of the consultation document concludes with a proposal to remove references to 'beauty' and 'beautiful' as the terms are subjective and difficult to define. It is considered that there is already a clear framework through policy and guidance on how to achieve well designed places. It is also to be made clearer that different forms of upward extensions are supported.
- 5.17 The Bracknell Forest Housing Needs Assessment (2021) considered the needs of those requiring social rent and the supporting text to Policy LP16 reflects this. Clause 1ii of LP16 refers to the need for any proposal to have regard to the Council's most up to date evidence of identified needs. The latter is set out in our local needs statement on the website. Further guidance on our approach is to be set out in a Housing Supplementary Planning Document. A consultation version is due to be considered by Executive on 17th September.

Building infrastructure to grow the economy

- 5.18 Amendments are proposed to "drive greater commercial development in those sectors which will be the engine of the UK's economy in the future". The key industries listed are: research and development laboratories; battery cell manufacturing ('gigafactories'); digital infrastructure including data centres'; and 'freight and logistics'. Local plans would be expected to identify suitable sites for these types of uses in local plans. When proposals are of local, regional or national importance they are to be considered positively in planning decisions. The Government is also inviting views on the potential for these uses to be included in the 'Nationally Significant Infrastructure Projects' (NSIP) consenting regime process. This could potentially mean that decisions on certain applications might be taken out of LPA control.

² [CLP.Ev.5c - Bracknell Forest - Wokingham Green Belt Review - complete report \(2\).pdf](#)

- 5.19 If these revisions are agreed, there will be a need to consider them in a new Employment Land Review which will form part of the evidence base of any future Local Plan. If a need is identified, it will be challenging to find available sites in sustainable locations, close to the strategic road network. The responses to the questions relating to this issue highlight the fact that suitable sites are being lost from Designated Employment Areas due to permitted development rights. The Government is urged to protect such areas for employment uses. The NSIP regime would seem sensible for large digital infrastructure projects rather than via the traditional planning application route.

Delivering community needs

- 5.20 This section is concerned with supporting the provision of public infrastructure and creating sustainable healthy communities. A revision to the NPPF would require significant weight to be placed on the importance of facilitating new expanded or upgraded public service infrastructure when considering such proposals, adding reference to early years and post-16 places specifically alongside school provision. The Government is also seeking to replace the 'predict and provide' model for transport infrastructure with a 'vision-led' approach focussed on achieving desired outcomes, to create healthy communities by tackling obesity, encouraging active travel and supporting a healthy childhood.
- 5.21 It is agreed that there is a need to support the provision of public infrastructure and create sustainable healthy communities. Some of the policies in the BFLP already contribute to this objective. The Council is currently updating its Local Transport Plan (LTP) to 2037. This moves away from a 'predict and provide' approach to a 'vision' led approach.

Supporting green energy and the environment

- 5.22 The changes proposed provide support for renewable energy and low carbon energy development (and associated infrastructure), in that LPAs are to be required to identify suitable areas for development, rather than just consider identifying such areas. The position is further strengthened by the proposed introduction of significant weight to the benefits associated with renewable and low carbon energy generation and any contribution towards achieving a broader net zero future. Views are also being sought on making national policy on flood risk clearer or more proportionate. The changes also seek to secure and improve water by looking at mechanisms that could be used to approve such developments. Food security is also highlighted.
- 5.23 The consultation document contains a stronger expectation that LPAs pro-actively identify suitable areas for renewable energy and low carbon energy development. It is considered that this needs to be dealt with at a strategic level, particularly where there are smaller LPAs, such as Bracknell Forest.

Changes to local plan intervention criteria

- 5.24 The Government is proposing to amend the criteria for when it can intervene in the local plan process. This includes issuing directions through to the removal of plan making powers. The Secretary of State will give LPAs an opportunity to put forward exceptional circumstances.
- 5.25 As far as the above change is concerned, it is considered that it may be appropriate for the Government to intervene in respect of plan-making in certain circumstances to

ensure timely progress is made. The circumstances under which this might happen need to be clear and reasonable. A LPA also needs to be given the opportunity to remedy the situation before matters are taken out of its control

Changes to application fees

- 5.26 The consultation document includes proposals to increase some planning fees including those for householder applications with the aim of providing proper resources to support a sustained increase in development and improve performance. Householder application fees would be more than doubled from £258 to £528, based on the fact that the current fee is inadequate for recovering the cost of processing such applications. Other fees may be increased and fees charged where there are currently none, potentially to fund wider planning services, including plan-making. A further option mentioned is to let LPAs set their own fees or vary national fees to cover costs.
- 5.27 The proposed increase to householder application fees is supported as this will better reflect the true costs of dealing with such applications. Also supported in principle is the need to further explore fees being charged on other types of application that do not currently attract a charge. Overall, it is considered that nationally set fees provide greater certainty for all parties and consistency of approach.

Other suggested changes

- 5.28 It is intended to consult on national development management policies and to bring forward a Planning and Infrastructure Bill to accelerate the delivery of high quality infrastructure and housing. It is also intended to proceed with the previous government's proposals to create a new system of plan making, as set out in the Levelling Up and Regeneration Act 2023. These proposals are awaiting enabling legislation but are seen as being key to achieving universal coverage of local plans. Whilst a provision is included that would revoke the Duty to Cooperate for the reformed plan making system, it remains for local plans being progressed within the current system. Duty to Cooperate is to be amended to ensure that the right engagement is happening on the sharing of unmet needs and cross boundary issues. A number of requests are currently being received by this Council from adjoining Authorities, on this matter.
- 5.29 In the longer term, it is recognised that planning for growth needs to be done across a wider area. Effective arrangements for developing Spatial Development Strategies (SDS) beyond Mayoral areas are to be explored. Whilst it is recognised that there will be a need for appropriate geographies and democratic mechanisms, little information is provided on this matter.
- 5.30 Despite the regional planning framework having disappeared nearly 15 years ago with the revocation of Regional Spatial Strategies, the Berkshire Authorities have recognised the need to work together to strengthen their position on a number of issues including lobbying government to secure greater funding. The Berkshire Prosperity Board was set up earlier this year with the aim of driving and delivering economic prosperity across Berkshire. It is possible that this might have a useful role to play in future arrangements.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Currently, there are no direct legal implications arising from this report as it relates to a consultation document. However, if the proposed changes to the NPPF are put in place, this will constitute national planning policy for England. Planning decisions will have to be made in line with the NPPF unless material considerations indicate otherwise.

Financial Advice

- 6.2 There are no immediate financial implications arising from this report as it relates to a consultation document so proposals may change.

Equalities Impact Assessment

- 6.5 This is not considered relevant as this report considers changes that the Government is considering making.

Strategic Risk Management Issues

- 6.6 There are no strategic risk management issues arising from this report.

Climate Change Implications

- 6.7 The consultation document outlines changes related to climate change and responses to the questions raised are included in the Council's overall response.

Health and Wellbeing Considerations

- 6.8 The consultation document outlines changes related to health and responses to the questions raised are included in the Council's overall response.

Background Paper

- Ministerial Statement
[Written statements - Written questions, answers and statements - UK Parliament](#)
- Consultation document:
[Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](#)
- Tracked change version of the National Planning Policy Framework:
[National Planning Policy Framework: draft text for consultation \(publishing.service.gov.uk\)](#)

Appendix A

Proposed response

Contact for further information

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