

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

24 September 2024

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 IMPLICATIONS OF THE PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM CONSULTATION

1.1 Introduction

- 1.1.1 Members will be aware of the latest Government consultation that is seeking views on a proposed approach to revise the National Planning Policy Framework (NPPF) to achieve sustainable growth in the planning system. Whilst the consultation principally relates to the supply of land to boost housing, it is also seeking views 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 (NSIPs). The consultation also sets out how and when it is expected for every Local Planning Authority (LPA) to rapidly create a clear, ambitious local plan for high quality housebuilding and economic growth.
- 1.1.2 The consultation comprises of 106 questions and the consultation runs from 30th July to 24th September 2024. The Government has confirmed that it will respond to the consultation and will publish a revised NPPF before the end of the year, so that policy changes can take effect as soon as possible.
- 1.1.3 The consultation deadline is 24th September 2024, the same day as this committee meeting. The TMBC consultation response has therefore been submitted to The Ministry of Housing, Communities and Local Government (MHCLG) following Cabinet Member for Planning and Transportation approval. The consultation response is provided at Annex 1 to this report for information only. On this basis we are not seeking Member approval as confirmed by recommendation 1.12.1.
- 1.1.4 As you will note from Annex 1, the Council does not agree with all elements put forward by the Government within its consultation. Notwithstanding this, the purpose of this report is to understand the proposed changes and consider at an early stage the potential implications of these changes for Tonbridge and Malling Borough Council (TMBC) in relation to progressing its local plan.

1.2 Proposed changes to the National Planning Policy Framework

1.2.1 The proposed changes to the NPPF and other planning reforms are provided in three Government consultation documents. The first is the consultation document¹ which is split into a number of chapters presenting and explaining the proposed changes alongside seeking views on a number of planning reform matters. Alongside this, the Government has provided a draft NPPF². This sets out the Government's proposed amendments to the NPPF in draft and as tracked changes. The third document that is available is the 'Outcome of the proposed revised method'³. This sets out the results of a new standard method calculation (as set out in the consultation document) and compares this to the current standard method calculations on both a regional and local authority basis.

1.2.2 A detailed summary of the consultation document taking into account the revisions made as set out in the draft NPPF is provided at Annex 2. A table setting out the main implications of the proposed revisions to the NPPF is provided at Annex 3. The headline proposed changes and implications are as follows:

Housing need and targets

1.2.3 The consultation reaffirms the Government's objective to significantly boost the supply of homes. To boost supply, the consultation stipulates that local requirements will be based on identified housing need and introduces a new standard method calculation formula to be used by all local authorities, using a baseline based on existing housing stock levels, a stronger affordability multiplier, and removing caps /additions. The consultation also indicates the intention to reintroduce the 5-year housing land supply requirement, restore the 5% buffer or require a 20% buffer if the Council scores below 85% in the housing delivery test, remove the urban uplift and disallow fixing the 5-year housing land supply through annual position statements.

1.2.4 Alongside new housing targets, the consultation also proposes to amend policy on housing mix, introducing specific reference to social rent and 'looked after children'. The requirement for the first 10% of homes to be affordable home ownership and 25% to be First Homes is deleted.

1.2.5 The main implication of the above changes for TMBC is an uplift in housing need requirements from **820** to **1057** dwellings per annum, which is an increase of 237 dwellings per annum. In addition, a 20% buffer will apply given that TMBC do not

¹ Proposed reforms to the National Planning Policy Framework and other changes to the planning system
<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

² National Planning Policy Framework: draft text for consultation
https://assets.publishing.service.gov.uk/media/66acffddce1fd0da7b593274/NPPF_with_footnotes.pdf

³ Outcome of the proposed revised method
<https://assets.publishing.service.gov.uk/media/66a8d6a20808eaf43b50d9a8/outcome-of-the-proposed-revised-method.ods>

currently have a 5-year housing land supply. Other matters can be considered through evidence gathering and policy.

Green Belt and Grey Belt

- 1.2.6 Currently there is no requirement for LPAs to review the Green Belt. The consultation proposes to change this to require LPAs to undertake a review where an authority cannot meet its identified housing, commercial or other need without altering Green Belt boundaries. It also introduces the term 'grey' belt.
- 1.2.7 A sequential approach is proposed to guide Green Belt release asking LPAs to first consider Previously Developed Land (PDL), then consider grey belt and to then consider higher performing Green Belt sites where these can be made sustainable. Green Belt release is also proposed through the development management process where any sites for development that meet the new 'grey belt' definition will be deemed 'appropriate if they are in a sustainable location and do not fundamentally undermine the function of the Green Belt. These sites will not need to demonstrate 'very special circumstances'.
- 1.2.8 To correspond with the above, revisions to the NPPF are proposed setting out a number of 'golden rules' that any Green Belt released through plan-making or through development management decisions will need to deliver benefits for communities and nature. This includes a requirement to deliver at least 50% affordable housing, with an appropriate proportion being social rent (subject to viability), improvements to local or national infrastructure, the provision of new or improved good quality green spaces that are accessible to the public.
- 1.2.9 The main implications of this for TMBC given that it does not currently have a 5-year housing land supply is that if land outside the Green Belt cannot deliver the Council's housing and employment needs, then it will be necessary to undertake further Green Belt work to inform plan-making. A stage 1 Green Belt Assessment was undertaken in 2016 to support the withdrawn local plan and a Stage 2 study has been progressed to consider the Green Belt in more detail. This work will now require review and further work to account for any national policy changes and guidance including the consideration of grey belt land. There are also implications for decision making in that development in the Green Belt should not be regarded as inappropriate on 'grey belt' or where a 5-year housing land supply cannot be demonstrated.

Other changes proposed:

- 1.2.10 The consultation seeks to re-introduce a focus on the supply of land as the primary **presumption in favour of 'sustainable development'**, which will affect paragraph 11 of the NPPF. The tilted balance will remain, but this will be more intrinsically linked to policies connected with the supply of land.
- 1.2.11 An update to the NPPF **economic growth** chapter is proposed to focus planning policies on additional industries and uses by identifying sites to meet emerging

economic needs and drive economic growth. There is a new focus on identifying land for specific uses (laboratories, gigafactories, data centres, digital infrastructure, freight and logistics). There is also a new requirement to make provision for the “expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience”.

- 1.2.12 The consultation proposes to remove reference to **‘beauty’ and ‘beautiful’**, in relation to housing design and layout which will eliminate the ambiguity around these terms. In addition, the consultation retains its emphasis on **design-codes** but steers the use of these from district-wide design codes to localised design codes and masterplans and guides for sites that are subject to the most change / development potential.

Local Plans

- 1.2.13 The consultation indicates that a new plan-making system will be implemented, as set out in the Levelling-up and Regeneration Act 2023, from summer or autumn 2025. This includes transitional arrangements for plans at different stages. The Government proposes that plans that are at the examination stage can continue, although where there is a significant gap between the plan and the new local housing figure, then it is expected for LPAs to begin a plan immediately in the system. For plans at an advanced stage of preparation (Regulation 19), it is proposed that these can progress to examination unless there is a significant shortfall (200 dwellings) between the plan and the new housing need figure.
- 1.2.14 TMBC is at an earlier stage of plan development and is not subject to the above transitional arrangements (i.e. not currently being examined or at Regulation 19 stage). For LPAs at this stage, it is proposed for plans to be prepared still under the current 2004 Planning Act system and against the revised version of the NPPF. The consultation sets out that plans should be progressed as quickly as possible and submitted no later than **December 2026** (this being extended from the currently recognised June 2025 deadline).
- 1.2.15 Alongside this, the duty to cooperate through plan-making is proposed to be re-emphasised and strengthened to capture meeting housing need (including meeting neighbouring local authority unmet need), strategic infrastructure, and climate resilience.

Other reform

- 1.2.16 Other reforms are also captured by the consultation, which relates to fees, strategic planning, local plan intervention, NSIPS and climate change.
- 1.2.17 **Fees:** the consultation includes proposals to further increase planning fees, firstly for householder applications from £258 to £528, but subsequently for other applications also. These changes are based upon the cost recovery of administering and determining planning applications and includes the ability for local authorities to be 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.

- 1.2.18 **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.
- 1.2.19 **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 where plans are not forthcoming (whilst maintaining flexibility). Such measures would include issuing plan-making directions and/or SoS intervention. The Government are clear in the consultation that they want LPA's to progress plan preparation at pace.
- 1.2.20 **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 on how national policy can be strengthened to deliver measurable climate change mitigation. Reference is also made to agricultural land and food production, and also water resilience.

Future consultations

- 1.2.21 Following the conclusion of the NPPF consultation, the Government have confirmed that it will take forward and consult on National Development Management Policies and will bring forward the Planning and Infrastructure Bill to accelerate the delivery of high-quality infrastructure and housing. The Government have confirmed that it will not be taking forward the Infrastructure Levy as proposed in the Levelling Up and Regeneration Act 2023 but will instead be focusing on improving the existing system of developer contributions. It has also confirmed its intention to modernise planning committees by introducing a national scheme of delegation, further reform compulsory purchase compensation rules, streamline the delivery process for critical infrastructure and provide the legal underpinning to ensure the funding for nature recovery alongside consulting on the right approach to implement strategic planning. Therefore, this NPPF consultation is the first stage of many subsequent consultations on planning reform.

1.3 Plan-making under a new NPPF – main implications for TMBC

Transitional arrangements and Local Plan submission

- 1.3.1 The previous requirement under the current NPPF / planning system was to submit a Local Plan by 30th June 2025. The consultation proposes that plans at an early stage in preparation (i.e. plans that have not reached Regulation 19

stage), such as the TMBC Plan, should be prepared against the revised version of the NPPF and should be prepared as quickly as possible.

- 1.3.2 To submit a plan under the 2004 Act / current planning system, a plan will need to be submitted no later than **December 2026**. The Government considers this to be a significant extension to that provided previously and that the extension will benefit plans that are at earlier stages, providing more time for LPAs to reflect on the revised NPPF and progress plans that will stand up to scrutiny at examination.
- 1.3.3 The Government have committed to publishing a new NPPF by the end of the year. There is 'in effect' two years to deliver a local plan from the date of a revised NPPF publication to submission in December 2026. The consultation document makes it clear that it is unacceptable for local authorities not to make a local plan and that if plans are not in place, the Government will intervene to ensure housing delivery.

Implications of a revised NPPF on TMBC's current plan-making position

- 1.3.4 Since the NPPF consultation was published on 30th July 2024, alongside preparing a consultation response, officers have considered the proposed changes to the NPPF in relation to TMBCs current plan-making position. Member's will be aware, that the Council was in its late stages of preparing a Regulation 18b Local Plan with the aim of consulting on this over the summer 2024. However, given the imminent release of the NPPF consultation the Regulation 18b consultation was paused.
- 1.3.5 To inform the emerging Regulation 18b Local Plan and its policies the Council has progressed a considerable amount of evidence and work. Given the iterative nature of plan-making, other key evidence was programmed to be undertaken post Regulation 18b to inform a Regulation 19 pre-submission Local Plan.
- 1.3.6 A new NPPF (as per the current consultation draft) will result in some fundamental changes to the way in which we will need to take forward and progress plan-making. A robust evidence base, that aligns with a revised NPPF will be key to this to ensure that decisions made are robust and will meet the tests of soundness and will withstand scrutiny at examination.
- 1.3.7 Given the changes proposed, including a higher housing need requirement and the policy changes to the release of Green Belt, it will be necessary to consider and review the local plan work undertaken to date to ensure that an emerging local plan aligns with a new NPPF. It will also be necessary to consider and review the Council's evidence base to ensure that this also aligns with a revised NPPF, including the application of methodologies, whether all relevant matters are considered and what in addition should now be considered.
- 1.3.8 Following review, evidence bases will need to be updated where they do not currently align with the revised NPPF, so that the evidence can inform the direction of the Council's local plan, its vision and objectives, plan policies and its

spatial strategy including site allocations. Aligning the evidence with a new NPPF and for this evidence to then inform the local plan will help ensure that once submitted the local plan will be considered sound (legally robust and justified) at examination.

- 1.3.9 An emerging local plan, based on a revised NPPF, will also need to be tested including through a Sustainability Appraisal, a Habitats Regulations Assessment as well as testing whether the spatial strategy is deliverable taking into account infrastructure requirements. Throughout this process, meeting the Council's Duty to Cooperate will also be fundamental. This is especially the case given the increase in housing need across the West Kent area as a result of a potential new standard method.

1.4 Evidence base requirements and considerations - including those required to ensure plan-making meets the requirements of a potential new NPPF and meets the tests of soundness at examination

Timing of evidence base work

- 1.4.1 As above, the Council has progressed a number of evidence base reports to support the Regulation 18b Local Plan that was due for consultation in summer 2024.
- 1.4.2 It is worth noting that plan-making is an iterative process and often evidence will be progressed to provide early information to inform plan-making in the knowledge that further work or addendums / updates and testing of policies and sites will be required at a later stage to ensure that policies and decisions are based on the most up-to-date information. It is also worth noting that it is not necessary to provide all evidence at the Regulation 18 stage. However, if it is possible to, then this can be helpful to show the basis as to how and why decisions have been made, supporting the consultation and engagement process. The level of information published at a Regulation 18 stage is often dictated by how far the plan and its policies have evolved and the availability of certain evidence and vice versa.
- 1.4.3 The strict time constraint of submitting a local plan by 30th June 2025 impacted upon the way we have progressed plan-making and evidence gathering to date under the current NPPF where this was dictated to ensure that the legislative consultation stages could be achieved. The extended time-period to submit a plan (i.e. **December 2026**) will allow additional time to progress important evidence base reports at an earlier stage in the plan-making process to inform the next Regulation 18 consultation local plan including progressing further with our understanding of sites and drafting / refining our policies.
- 1.4.4 Annex 4 sets out the work the Council has progressed to date in its evidence gathering and sets out work that was due to be undertaken between Regulation 18b and 19 under the current work programme. The table also provides an early indication as to whether a revised NPPF will result in it being necessary to up-date

or revise evidence base work that has either been completed already or is currently being progressed to support plan-making to account for national policy changes.

Implications of a revised NPPF on evidence gathering to inform plan-making

- 1.4.5 The NPPF consultation seeks to increase development needs. A revised target for submission by December 2026 will also result in a change to the TMBC plan period, where strategic policies should look ahead over a minimum 15-year period from adoption. Evidence base studies such as those requiring calculations to understand development needs i.e. housing, economy, town centre, open space and sport facilities studies will therefore likely require revisions to account for an increased need in development and also to account for an updated plan period.
- 1.4.6 Other evidence base studies consider potential site allocations and or test emerging spatial strategies. Such studies may include landscape related studies, Green Belt Site Assessments, infrastructure and transport testing for example. These studies help to inform important decisions about the suitability of sites, development management policies and the local plan's growth strategy. Given that a new NPPF and changes to the standard method will result in an increased development need and a change in Green Belt policy, these studies will also likely require an update or where these have not yet progressed, consideration of how a revised NPPF may impact the work that needs to be undertaken. This is due to the relationship between these studies and the spatial strategy and site allocations.
- 1.4.7 In addition, certain assessments as described above are legislatively required such as the Sustainability Assessment or Habitats Regulations Assessment. These assessments are progressed iteratively, testing policy options and amending policies as necessary to ensure that the most sustainable option is taken forward and / or that policies do not harm International or European designated sites of nature conservation.
- 1.4.8 Given the fundamental changes proposed by the NPPF consultation many of the studies progressed to-date will require some form of update to account for the national policy changes. Many of these studies were already programmed to be updated as part of the iterative process, whilst others were not.
- 1.4.9 Given the increase in housing need requirements, alongside a requirement to optimise density, additional evidence base studies are also proposed to account for a revised NPPF. This includes a landscape character assessment and landscape sensitivity assessments and also a density study. These will help in the consideration of whether development options and proposed housing numbers would be sustainable.
- 1.4.10 Whilst Annex 4 provides an early indication of the evidence base requirements that will likely be needed to meet the requirements of a revised NPPF and to deliver a local plan generally, the Council requires time to consider its position

more fully. For example, will a complete refresh of an evidence base be required or can a piece of work be undertaken to provide a lighter touch update to satisfy meeting national policy changes? We will need to consider each evidence base required in detail and work with consultants to gain expert advice. A further update will therefore be provided on our evidence base requirements at the December H&PSSC, subject to a revised NPPF being published in good time ahead of the meeting.

1.5 Local Plan Engagement

- 1.5.1 Engagement is an essential and critical part of the plan-making process providing an opportunity for members, communities, partners and stakeholders to be involved, having a say in how to shape the places in which we live. It is also important for consultation and engagement to be effective. The extended time provided by the transitional arrangements for Local Plan submission provides an opportunity to consider the most effective ways to engage both internally and externally, with Council Members, officers in other relevant teams, partners and stakeholders, Parish Council's and communities. We have already progressed working with consultants and preparing a plan using digital tools. However, an opportunity is presented to further consider engagement more widely and how to ensure that the plan taken forward is based on evidence and will stand up to scrutiny at Examination. It is proposed that a **draft Engagement Strategy** to be reported to H&PSSC in December 2024.
- 1.5.2 In the meantime, the Council will consider how to take forward a Member Local Plan Engagement Programme. It is envisaged that confidential engagement sessions will be set up on a topic-by-topic basis. For example, vision and objectives, the natural environment, climate change, the historic and built environment, housing, the economy, infrastructure etc. The engagement sessions will involve presentations from officers where appropriate and will offer an opportunity for members to ask questions and / or raise any pertinent points to help inform policy direction. In order to develop a programme for these meetings, an initial discussion will be held as part of the informal Group Leaders' sessions in the coming months. Further information on the Member Local Plan Engagement Programme will be set out in the December H&PSSC.

1.6 Risks

- 1.6.1 An early consideration of risks resulting from our understanding of the NPPF consultation has been undertaken. Many of the risks associated with plan-making generally remain. These focus on issues in relation to changes in political administration or direction from administration, issues around project management, staffing and expert support and other risks centred on obtaining the required evidence base in time to inform plan-making. A number of risks are particularly pertinent given the proposed NPPF changes and the timescales provided to submit the local plan.

- 1.6.2 A key risk is associated with a need to actively engage consultants ahead of the publication of a new NPPF to ensure that we can continue from where we are in evidence base workstreams and to secure recognised and expert consultants in the field. Not securing the consultants we need could result in local plan delay and not meeting transitional timescales or indeed not receiving the expert input that we will require to deliver a robust local plan. We will be looking to continue on from work undertaken, using the same consultants where relevant to reduce time, resources and costs on the projects needed. To mitigate this, we will look to procure consultants as soon as possible to ensure they are in place to undertake work when required and that they have the resources to meet our timescales to reduce the potential for delay.
- 1.6.3 So far, the TMBC plan-making process has focused on certain Green Belt areas given the short-time period in which to submit a Local Plan. Work was required to consider the Green Belt more fully to inform a Regulation 19 Local Plan. Considering the Green Belt more fully has now been further justified as part of the latest NPPF proposals. This will be an important area of work to progress as soon as possible.
- 1.6.4 The NPPF proposes an increase in development needs for TMBC. This will impact upon the consideration of a sustainable spatial strategy. With a higher housing and employment target, there will be some difficult decisions for both the community and members to make. Early and ongoing engagement will be key to reduce this risk.
- 1.6.5 An updated risk register is provided at Annex 5. This will be further considered and updated ahead of the December H&PSSC, taking into account our deeper understanding of implications once a revised NPPF has been published.

1.7 December H&PSSC proposed agenda

- 1.7.1 The NPPF consultation is only recently published with a revised NPPF due before the end of the year. It is currently uncertain whether a revised NPPF will be published as per the consultation draft or whether there will be ‘minor’ or indeed ‘major’ amendments or further policy changes as a result of the consultation, which could subsequently require further and detailed consideration.
- 1.7.2 Until such a time that a revised NPPF is published the Council will progress work to understand more fully the implications to ensure that TMBC is in the best possible position to respond quickly to a revised NPPF and to reduce any risks to local plan delivery. The Council will also seek to consider a new local plan timetable and update the Local Development Scheme to ensure that we can submit a local plan no later than **December 2026** and will also progress a Local Plan Engagement Strategy. Subject to a revised NPPF being published in good time ahead of the next H&PSSC on 3rd December taking into account democratic service requirements for publication, the following agenda is proposed.

- 1.7.3 Should an NPPF not be published in good time ahead of the meeting, then we will need to reflect on the agenda and consider which and when items can be presented to committee, including whether an extraordinary meeting is required to enable local plan work to progress in a timely manner.

H&PSSC proposed agenda – 3rd December 2024

- I. NPPF update (if this has been confirmed and there is adequate time to consider the update)
- II. Planning and Infrastructure (P&I) Bill update (report on this if consultation has commenced including its contents/implications)
- III. Local Plan update including update on where we are, following on from September H&PSSC.
- IV. Local Plan Project Initiation Document – if it is possible to provide this at this stage based on NPPF publication date and any direction from P&I Bill.
- V. Evidence base update - Update on where we are to follow on from September H&PSSC. Caveat – partly dependent on NPPF release and P&I Bill.
- VI. Local Development Scheme - Present LDS – Subject to NPPF publication and confirmation of the ‘no later than **December 2026**’ submission date or alternatively present likely timescales.
- VII. Local Plan Engagement Strategy - Present the draft Local Plan Engagement Strategy and outline the Member Local Plan Engagement Programme. Subject to NPPF publication or alternatively present headlines of the draft Strategy.
- VIII. Local Plan estimated costs and budget – Present this information, but again this will be dependent on the timing of NPPF publication and the confirmation of national policy changes.
- IX. Update on risks

1.8 Legal Implications

- 1.8.1 Local Planning Authorities are required to prepare and keep up to date a development plan for their area. The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

1.9 Financial and Value for Money Considerations

- 1.9.1 There will be direct financial and value for money considerations associated with local plan preparation beyond that which was originally programmed before the 30th July 2024 NPPF consultation. It is worth noting that work was progressed to

take forward a Regulation 18b consultation in the summer of 2024. This work has been paused given the significance of the changes that were anticipated to come forward within the NPPF and planning reform consultation. This has included pausing certain work already commissioned to save costs and the need to further update work at a later date.

1.9.2 The Government are clear that LPAs at the early stages in plan-making will be required to take plans forward in accordance with a revised NPPF once this is published. Given the fundamental changes proposed it will be necessary for TMBC to consider its position in relation to work undertaken so far on its emerging local plan and consider its work programme moving forward to ensure that the emerging local plan is NPPF compliant. From an early consideration it has been identified that a revised NPPF will result in further evidence base work and will also result in a need to revise work undertaken on the local plan that has already been progressed. It is anticipated that the following budget increases will arise from both the pause on the local plan and also a revised NPPF:

- Increased costs to engage consultants to review and update completed evidence bases to accord with a revised NPPF;
- Increased costs to engage consultants to provide new evidence bases to meet the requirements of the NPPF;
- Costs to cover staffing requirements to progress the local plan towards a new Regulation 18 consultation, associated with updating evidence bases and progressing local plan work in accordance with this;
- Costs associated with engagement (staff resource) and creating the publication version of the Regulation 18 Local Plan (consultancy costs).

1.9.3 It is not possible to fully cost the local plan project at present, given that there is uncertainty as to whether the changes proposed in the NPPF consultation will come forward and / or come forward in the way as presented in the consultation documents. However, given the Government's drive to deliver housing, it is most likely that work will need to be commissioned to account for a change in development targets (housing and employment) and to consider Green Belt release. These changes will have a knock-on impact to how other evidence bases are then taken forward and the extent of work required to provide the evidence we need.

1.9.4 Given the above, we will undertake a costing exercise of delivering a new local plan under the new NPPF and within new timeframes taking into account work already undertaken, work already programmed and work that will be required to meet the requirements of a new NPPF. It will be necessary to consider the revised NPPF against each of our published and emerging evidence bases to understand the level of updates that will be required and the most efficient way of achieving this. As part of this work, we will identify whether it is necessary to completely

update and re-run an evidence base or whether we can apply a 'lighter touch' update to ensure that the work aligns with the NPPF. The approach taken will impact costs and we will identify the most cost-effective approach, whilst ensuring that our evidence bases are robust.

- 1.9.5 Subject to the timing of a revised NPPF being published it is anticipated that we will provide a report setting out likely budget requirements over the coming financial years to deliver a local plan by **December 2026** and will present this to the December 2024 H&PSSC. There is a local plan reserve which can be drawn down to cover some costs where these are required ahead of the December 2024 meeting, given that certain works were programmed/accounted for already. In the meantime, work will be undertaken to estimate such costs and to put in place a work programme for the coming months including procuring consultants so that they are in place to ensure that we can progress quickly once a revised NPPF is published and a budget is agreed.

1.10 Risk Assessment

- 1.10.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption. This will alleviate the current risks associated with not having an up-to-date development plan in place. The Government are clear within the consultation that it is unacceptable for LPAs to not make a local plan and are considering updating the intervention criteria given the criticality of local plans to the Government's housing and economic development agenda. The Government are also clear that plans should continue to be progressed under the existing planning system without delay and have provided transitional arrangements to achieve this where all plans will need to be submitted no later than December 2026.
- 1.10.2 A number of Corporate Risks are relevant including staffing challenges in planning services and a corporate risk directly associated with the local plan.

1.11 Equality Impact Assessment

- 1.11.1 The decisions recommended through this report have relevance to the substance of the Equality Act 2010. The stages in plan preparation will be undertaken in accordance with the Statement of Community Involvement which ensures that planning policy consultations are accessible to all, irrespective of protected characteristics. An Equalities Impact Assessment will be undertaken alongside the preparation of the next stages of the Local Plan.

1.12 Recommendations

H&PSSC is asked to:

- 1.12.1 NOTE the TMBC response to the Government's 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system' consultation as set out in Annex 1.

1.12.2 NOTE the potential implications of a revised NPPF on TMBC's plan-making process and timetable.

1.12.3 NOTE the items as set out in section 1.7 that are intended to be brought to a future H&PSSC meeting dependent on the timing of the publication of a revised NPPF.

Background papers:

Contact: Kelly Sharp
Planning Policy Manager

Annex 1 - TMBC 30th July NPPF consultation response

Annex 2 - Detailed Summary of the NPPF consultation and other Planning Reforms

Annex 3 - Main implications of the proposed NPPF revisions to the NPPF for TMBC

Annex 4 - TMBC's existing and emerging evidence base taking into account proposed NPPF revisions

Annex 5 - TMBC Local Plan Risk Register

Eleanor Hoyle

Director of Planning, Housing and Environmental Health