

**Teignbridge District Council
Full Council
12 January 2023
Part i**

Implications of Michael Gove MP's statement on changes to the Planning System

Purpose of Report

To provide Members with an overview of the statement made by the Secretary of State for Levelling Up, Housing and Communities regarding proposed changes to the planning system, for consideration ahead of the decision on whether to publish the Proposed Submission Local Plan for consultation and subsequent submission to the Planning Inspectorate for independent examination.

Recommendation(s)

The Committee RESOLVES to:

- (1) Note the content of this report and appendices; and
- (2) Proceed to consider the report on the Local Plan consultation as set out on the agenda

Financial Implications

There are no financial implications arising from this report per paragraph 4.1 of this report.

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Legal Implications

There are no legal implications arising from this report per paragraph 4.2 of this report.

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Risk Assessment

Risks are set out in section 4.3 of this report.

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Environmental/ Climate Change Implications

Environmental and climate change implications are set out in paragraph 4.4 of this

report.

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Executive Member

Executive Member for Planning, Cllr Gary Taylor

Appendices

Appendix 1 – Letter from Michael Gove MP to all MPs on 5 December 2022
Appendix 2 – Written Ministerial Statement – [Statement made on 6 December 2022](https://questions-statements.parliament.uk/written-statements/detail/2022-12-06/hcws415)
(full web link address – <https://questions-statements.parliament.uk/written-statements/detail/2022-12-06/hcws415>)
Appendix 3 – TDC letters to Anne Marie Morris MP and Mel Stride MP

Background paper

1 – National Planning Policy consultation (full web link address - <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>)

1. Introduction

- 1.1. On 5 December 2022 the Secretary of State for Levelling Up, Housing & Communities, the Rt Hon Michael Gove MP issued a letter to all MPs relating to changes he proposed to make to the planning system in England, alongside the Levelling Up and Regeneration Bill. This was followed by a Written Ministerial Statement published on the 6 December 2022.
- 1.2. Copies of the letter and Written Ministerial Statement are included as Appendices 1 and 2 respectively to this report.
- 1.3. Council was due to consider the Proposed Submission Local Plan on the 15 December 2022, but the content of the letter from the Secretary of State raised several issues that required further consideration. That meeting was postponed allowing officers and members an opportunity to reflect on its content and to understand the potential implications for the

Council's Local Plan. A meeting of the Local Plan Working Group was subsequently held on the 15 December 2022 to discuss this.

- 1.4. Following this meeting a letter was sent to the MPs for Teignbridge. Those letters are included as Appendix 3 to this report.
- 1.5. On 22 December 2022 the Government published its consultation on changes to the National Planning Policy Framework, which closes on 2 March 2023. A full review of the consultation documents will be undertaken with the Local Plan Working Group to inform a response.
- 1.6. From an initial review of the consultation document, the view of officers is that there is nothing arising from that document to warrant any delay to the consultation on the Proposed Submission Local Plan.
- 1.7. This report provides Members with an overview based on the content of the Secretary of State's letter and Written Ministerial Statement, and an appraisal of how the proposed changes relate to the Local Plan as prepared.

2. Overall summary

- 2.1. Members are advised to continue with their consideration of the Local Plan as set out.
- 2.2. The Local Plan has been positively prepared, based on a full understanding of constraints and with extensive public engagement, in line with the principles set out by the Secretary of State.
- 2.3. A Written Ministerial Statement (WMS) is an expression of government policy and details of the intended changes have been published for consultation. However, the starting point for decision making remains extant policy until such time as the changes are brought into effect.
- 2.4. The Local Plan housing figure has been assessed objectively and the numbers used in the plan relate to meeting identified need in Teignbridge.
- 2.5. The Local Plan is about more than just housing numbers, it also includes updated policies relating to climate change, design, open space, more social rented housing, and relaxing town centre policies to allow a more flexible response to changes of use.
- 2.6. The 'protections' offered from the Secretary of State's letter relate to plans at an 'advanced stage' of preparation. This would not apply to Teignbridge

based on the current Local Plan. These protections include only having to demonstrate a 4-year supply of housing land rather than a 5-year supply of housing land and will apply to authorities which have consulted on a Plan with both a policies map and proposed allocations towards meeting housing needs. Undertaking the consultation and submitting the Local Plan to the Planning Inspectorate will offer the Council this 'protection'.

3. Detailed considerations

3.1. The proposed reforms set out a range of changes. Set out below are summaries of the changes and officer responses. References with quotation marks are taken from the Secretary of State's letter.

3.2. Community Control – 'Housing targets are no longer "mandatory" and Local Authorities need to work with their communities to determine how many homes can actually be built'.

The Local Plan is based on an objective assessment of housing need for Teignbridge. The Plan has been the subject of rigorous appraisal and community engagement over the last four years, through four formal consultations that generated over 7,000 responses.

The Local Plan Working Group and Ward Members have had on-going input into the plan preparation.

Known constraints have been identified and sites excluded where there is no suitable mitigation from the impact of development.

In addition, the Council has been selected to take part in a Design Code Pathfinder Programme, to raise design standards and engage local communities in the creation of such codes. Policy within the Local Plan has been informed by this work.

3.3. Housing number – 'The standard method is an advisory starting point to inform plan-making – a guide that is not mandatory'.

The flexibilities proposed are currently limited in scope and proposed changes to the National Planning Policy Framework suggest that objectively assessed needs for housing should continue to be met in full unless:

- Development is restricted due to protected areas or assets of particular importance (these designations are specifically set out and

include Areas of Outstanding Natural Beauty, National Parks, Green Belt, Sites of Special Scientific Interest, Local Green Spaces, and habitat sites). It should be noted that there is no change from existing policy.

- Meeting the need would mean building at densities significantly out of character with the existing area
- Past over-delivery can be deducted from the number of homes required

These have already been taken into consideration in preparing the Local Plan and circumstances have not warranted a different approach, or housing requirement, to be explored.

No changes are proposed to the standard method as part of the current consultation process. This will be reviewed once the Census 2021 based household projections have been considered, which are planned to be published by the Office for National Statistics in 2024. As such, this has no bearing on the current Plan which is due to be adopted in 2024.

It should be noted that the Government has stated that it remains committed to delivering 300,000 homes per year by the mid-2020s and that the overall aim of authorities should be to meet as much housing need as possible with an appropriate mix of housing types to meet the needs of communities.

- 3.4. Five-year supply** – ‘We will end the obligation on local authorities to maintain a rolling five-year supply of land for housing where their plans are up-to-date.’

This will only apply to authorities when the housing requirement set out in strategic policies is less than 5 years old. The current Local Plan is more than 5 years old and there are aspects which need updating. Teignbridge would therefore not qualify for this relaxation of planning rules using only the 2013 Local Plan.

- 3.5. Build out** – This will form part of a future consultation and there is insufficient commentary to assess the potential impact of this change.

- 3.6. Character of a developer** – As with ‘Build Out’ there is insufficient commentary to assess the potential impact of this change.

- 3.7. Brownfield first** – The Proposed Submission Local Plan has fully appraised potential brownfield land, with all feasible sites included. Teignbridge is a rural district with very little ‘brownfield’ land, this approach is better suited and more targeted to urban local authority areas.
- 3.8. The Housing Market** – Devon is one of three places namechecked in this. Measures to tackle empty homes are already in place and reported on through the quarterly Council Strategy updates. Second home ownership and the ease of renting out properties for holiday accommodation is a growing issue. The proposed changes are potentially to be set out in the Use Classes Order, which is nationally developed legislation and would have primacy over Local Plan policy. In addition, consultation on the proposed changes will be ‘before the summer recess’ so it will be at least a year before the outcome of the potential changes are fully known.

4. Implications, Risk Management and Climate Change Impact

4.1. Financial: There are no direct financial implications arising from this report.

4.2. Legal: There are no direct legal implications arising from this report

4.3. Risks: There are no direct risks associated with this report. However, risks associated with not progressing with the consultation and examination of the Local Plan because of the letter by the Secretary of State can be set out as follows.

a) Status of the Written Ministerial Statement – The statement is a material consideration for planning applications, but it is not policy. The proposal by the Secretary of State is only to consult. The starting point for decision making until any changes are made remains extant policy in the adopted Local Plan and current National Planning Policy Framework.

b) Timescales – We are unlikely to see any definitive change in policy within the next 6 months. Pre-consultation statements can take a long time to materialize. For example, the ‘Planning for the Future White Paper’ was initially released August 2020 and we still await implementation of proposals. Any delay now would only lead to further

delay in bringing forward a new Local Plan and leave the Council relying on older policies and exposed to applications for 'unallocated' sites.

- c) **'Unallocated' sites** – Earlier consultation versions of the Local Plan identified over 100 site options and, through the plan making process, many of these sites have not been taken forward as 'allocations'. Delays in bringing forward a new Local Plan increases the risk of applications coming forward for 'unallocated' sites, which may be difficult to resist.
- d) **Over or under estimation?** – The Government 'ambition' of 300,000 new homes nationally is significantly higher than the current delivery rate of around 160,000. Housing figures generated through standard formulas could therefore be higher in the future.

4.4. Environmental/Climate Change Impact: The current policies on carbon reduction are limited in the scope of what we can achieve. Without newer policy we will not be able to insist on the higher standards being sought in new developments.

5. Alternative Options

- 5.1. The alternative options to approving the Local Plan for consultation and submission are set out in that report.

6. Conclusion

- 6.1. Members are requested to note the content of this report and the implications for delaying the consultation on the Local Plan.
- 6.2. It is considered that the letter from the Secretary of State and consultation on the National Planning Policy Framework do not raise new issues that would justify pausing the process.