

Planning and Development Scrutiny Panel

Planning Strategy Update

1 November 2023

- Levelling Up and Regeneration Act 2023
- Biodiversity Net Gain
- Nitrate Neutrality
- SPD Progress Update

Regeneration and Levelling Up Act 2023

- Received Royal Assent on 26 October
- Most of the sections which directly relate to DM and plan-making have not commenced and will require secondary legislation
- Changes to planning procedures will begin to take place from 2024, once associated regulations and changes to national policy are in place
- The final version of the Act is yet to be published
- Expecting a revised NPPF to complement the measures in the Act

Regeneration and Levelling Up Act 2023

What we have been consulted on so far:

- Levelling-up and Regeneration Bill: reforms to national planning policy
 - response submitted March 2023
- Infrastructure Levy Technical Consultation
 - response submitted May 2023
- Environmental Outcome Report Technical Consultation
 - response submitted June 2023
- Plan-making reforms: consultation on implementation
 - response submitted October 23

Regeneration and Levelling Up Act 2023

What we know

- Streamlined 30-month plan-making system – local plans limited to locally specific matters.
 - Strong focus on public participation
- National Development Management Policies to be introduced, drawn up by DLUHC, covering issues which apply in most areas.
- The emphasis of the National Planning Policy Framework will shift to guiding plan-making (Development Management Policies will be separate).

Regeneration and Levelling Up Act 2023

What we know

- LPA will be required to produce Design Code covering entire authority area.
- Duty to cooperate will be dropped.
- New Infrastructure Levy to replace S106 & CIL.
- LPAs to prepare Infrastructure Delivery Strategies.

Regeneration and Levelling Up Act 2023

- Expecting a revised NPPF to complement the measures in the Act
- It is expected that the revised NPPF will likely include (but we don't know for sure):
 - Removal of the requirement to provide a 5YHLS if the LPA has an up to date Local Plan (less than 5 yrs old).
 - A review of implications for the standard method of new household projections data based on the 2021 Census, which is due to be published in 2024.

Regeneration and Levelling Up Act 2023

- It is currently unclear how the Housing Delivery Test will function in the future.
- No Housing Delivery Test has been published for 22/23
- Earlier consultation suggested a refinement of the test to add an additional permissions-based test that would 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement
- **There is a considerable amount of detail that is yet to be published across all of the proposed planning reforms within the LURA**

Biodiversity Net Gain

- The Fareham Local Plan has a policy requiring BNG which came into effect on adoption of the Plan in April.
- This applies to all applications of one or more dwellings or new commercial/ leisure buildings.
- Mandatory BNG introduced via the Environment Act will come into effect January 2024 for Major developments
- Mandatory BNG for Small sites will be introduced from April 2024
- Mandatory BNG will only apply to applications for planning permission made after the implementation date.

Biodiversity Net Gain (BNG)

- Details are currently not clear on the finer points of how mandatory BNG will be implemented.
- Regulations and Guidance are expected to be published by Government by the end of November
- The BNG SPD which was consulted on earlier in the year will be updated to include, as necessary, guidance on how the Council will implement mandatory BNG.

Nutrient Neutrality

- The proposal to relax nutrient neutrality requirements for homebuilders and address pollution at source is no longer within the LURA.
- Officers are monitoring the situation and await further information from government.

Emerging SPD's

Planning Obligations SPD

- Consulted March to May 23
- Adoption likely in December 2023 or January 2024

Biodiversity Net Gain SPD

- Consulted April and May 23
- Re-consultation likely in the first quarter of 2024

Self and Custom Build SPD

- Adopted at October Executive and now a material consideration

END

Figure 1: The new 30 month plan timeframe

