



Report to: Cabinet Meeting - 24 February 2026

Portfolio Holder: Councillor Claire Penny, Sustainable Economic Development

Director Lead: Matt Lamb, Director - Planning & Growth

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Report Summary	
Type of Report	Open Report / Key Decision
Report Title	Planning Reforms
Purpose of Report	To update Cabinet on the latest planning reforms and to seek approval to respond to the draft National Planning Policy Framework (NPPF) consultation.
Recommendations	<p>That Cabinet:</p> <p>a) note the contents of the report; and</p> <p>b) approve the proposed consultation response to the NPPF set out in Appendix B to the report.</p>
Alternative Options Considered	Not responding to the consultation response would mean that the District Council would not have an opportunity to put forward the Council's position.
Reason for Recommendations	To allow Cabinet to approve the District Council's consultation response.

1.0 Background

1.1 Reform to the Planning system has been ongoing for a number of years under both the current and previous government. These proposals aim to speed up and modernise the system to meet the challenges of delivering new housing and economic growth. Key elements of the changes most recently announced are:

- The government has consulted on reforming **the role of statutory consultees in the planning system**. The consultation occurred between 18 November 2025 to 13 January 2026.
- The Government published a written ministerial statement on the **new planning system** on the 27 November 2025. The new system will be based on

the legislative changes set out in the Levelling-Up and Regeneration Act 2023, and accompanying the statement was a guidance on creating a Local Plan using the new system including proposed regulatory requirements. This was subject to the previous report on the agenda for this Cabinet Meeting

- On the 16 December 2025, the government launched a consultation on a new National Planning Policy Framework (NPPF) and a suite of planning reforms. The deadline for responses is 10th March.
- The Planning and Infrastructure Bill received Royal Assent on the 18 December 2025. The new Act is central to the government's Plan for Change. Further consultation and regulations for this new legislation are planned for early 2026.

2.0 Key Announcements

Consultation on reforming the role of statutory consultees in the planning system in England

2.1 Statutory consultees play an important role in the planning application process by providing expert advice on significant environmental, transport, safety, and heritage issues. As set out in the Council's scheme of delegation, certain applications must be referred to Committee where the officer view is to approve contrary to a statutory objection.

2.2 However, the government considers that the statutory consultee system is not working effectively. They are therefore seeking views on reforming the role of statutory consultees in the planning system and covers the following proposals:

- removing statutory consultee status from certain bodies
- reviewing the scope of what statutory consultees advise on
- improving performance management across existing statutory consultee bodies in the planning system

2.3 The Minister for Housing, Communities and Local Government (MHCLG) is concerned that there are too many instances where statutory consultee engagement with planning applications is not proactive or proportionate, and advice and information provided is not timely or commensurate with what is necessary to make development acceptable in planning terms. In addition, the Minister feels that local planning authorities and developers sometimes provide inadequate or poor-quality information or make blanket and inappropriate referrals to statutory consultees.

The New National Planning Policy Framework (NPPF)

2.4 The government has launched a consultation on the most significant rewrite of the NPPF since its introduction more than a decade ago. The revised NPPF separates out policies for plan-making and decision-making.

2.5 The government has taken the decision not to proceed with statutory National Development Management Policies (NDMPs) at this stage. Instead, it has adopted

national policy changes through the NPPF “while leaving open the possibility of a future transition to statutory NDMPs should it be required”.

2.6 The NPPF has been significantly restructured and its format and shape looks different to previous versions with separate, numbered policies for plan-making and decision-making. The government has announced a range of new policies through the new NPPF, including:

- Permanent presumption in favour of suitably located development, which seeks to make development of suitable land in urban areas acceptable by default.
- Default yes for homes around stations for suitable proposals that develop land around rail stations within existing settlements, and around ‘well-connected’ train stations outside settlements, including on Green Belt land. The government are proposing a minimum density of 40 dwellings per hectare around all stations and 50 dwellings per hectare around ‘well-connected’ stations.
- Driving urban and suburban densification, including through the redevelopment of corner and other low-density plots, upward extensions and infill development – including within residential curtilages.

2.7 Supporting small and medium sites with a category of ‘medium development’ for sites between 10 to 49 homes so SMEs have “proportionate rules and costs for their site size”, including a possible exemption from the Building Safety Levy.

2.8 Exempting smaller developments up to 0.2 hectares from Biodiversity Net Gain and introducing a suite of other simplified requirements to improve the implementation of BNG on small and medium sites that are not exempted. Defra will also consult on an additional targeted exemption for brownfield residential development, testing the definition of land to which it should apply and a range of site sizes up to 2.5 hectares.

2.9 £8 million new funding for local planning authorities to accelerate planning applications for major residential schemes at the post-outline stage. This funding “will be targeted at those authorities with high volumes of deliverable applications in this Parliament and those with strong economic growth potential”. £3m of this fund will go to London. Expressions of Interest are invited by the end of January from ‘eligible’ authorities. We will be notified if we are ‘eligible’ which to date we have not.

2.10 In addition, the government expects local planning authorities to be pragmatic when considering proposals to modify existing planning obligations to improve the viability of housing developments in the near term, boosting the number of new homes – including affordable homes delivered – in the next few years.

The Planning and Infrastructure Act 2025 (the ‘Act’)

2.11 The new Act received Royal Assent on 18 December 2025 and introduces a series of measures affecting how development is planned, approved and challenged:

- A Nature Restoration Fund and accompanying environmental delivery plans are intended to enable developers to start work more quickly while financing habitat restoration and pollution reduction measures, such as river clean-ups.

- The pre-application process for major infrastructure will be overhauled with the government saying less onerous statutory consultation requirements will shorten timetables, with an average saving of about 12 months on major projects.
- Legal challenge provisions are tightened: for certain government decisions on major infrastructure, the number of attempts at judicial review will be restricted, with only one attempt allowed in cases deemed by the court to be “totally without merit”.
- Planning committee procedures will be changed so local committees concentrate on the most significant developments, aiming to speed local decisions on new homes.
- Development corporations will be given extra powers to accelerate large-scale projects including new towns, with a stated aim of delivering more affordable homes and public transport.
- Land acquisition rules will be simplified for housing, GP surgeries and schools.
- Councils will be able to set their own planning fees to cover the cost of determining applications.
- Strategic “spatial development strategies” covering multiple local planning authorities will be introduced to identify sustainable locations for growth and ensure infrastructure is planned alongside homes.
- The Act makes non-water sector companies able to build reservoirs that will be treated as Nationally Significant Infrastructure Projects (NSIPs), streamlining approvals for large reservoirs.
- Electric vehicle charger approvals on public roads are to be simplified.
- The law replaces the current “first come, first served” grid connection regime with a “first ready, first connected” system to prioritise clean power projects deemed ready for connection.
- The secretary of state gains powers to set up a scheme that could provide discounts on electricity bills of up to £2,500 over 10 years to people living within 500m of new pylons and transmission lines.

3.0 Implications of Proposals and Newark & Sherwood District Council Response

Reforming the role of statutory consultees in the planning system

3.1 This consultation sought views on reforming the role of statutory consultees in the planning system, specifically those that are governed by the Town and Country Planning Act 1990. This will be achieved through adjustments to referral criteria, removal of some statutory consultees, increased use of standing advice and increased clarity to support better applications from developers. As set out in the written ministerial statement of 10 March 2025, the government is consulting on proposals to remove Sport England, The Gardens Trust, and Theatres Trust as statutory consultees.

3.2 It is understandable that there will be reticence at the potential removal of Sport England. The government recognises the importance of maintaining and improving the stock of playing fields but considers that statutory consultation on individual cases to a national body is not proportionate. For example, Sport England received 1,164 statutory consultations in 2024 to 2025 and objected in 30% of cases. Two thirds of these objections were removed after amended submissions.

3.3 The government also highlights that the majority of Sport England's existing casework (around 60% of cases) relates to school developments. Only 8% of casework relates to housing development on or adjacent to playing fields. The nature of Sport England's caseload means that much of the burden of engagement, including the cost and delay that can occur, falls on the public sector. Around 8% of applications on which Sport England is consulted go to a decision carrying an objection. 80% of these are decided in favour of the applicant. This includes around 65 school or public sector developments over the last 3 years, and around 55 commercial or residential developments over the same period.

3.4 The government argues that the NPPF provides sufficient protections for playing fields and that LPAs are best placed to assess proposals. Nevertheless, Members in this District will understandably be sensitive to properly considering the impact of development proposals on sports field capacity and want to ensure that local community's benefit from a sustainable sports field strategy. In our experience, Sport England has provided robust and useful advice in many cases. The government quotes figures for Sport England holding objections with two thirds resulting in amended schemes. In many of these cases, better outcomes will likely have been achieved as a result of Sport England involvement. It is also important to have consistency of approach in measuring the starting point for Sports Provision before going on to assess quantitative or qualitative impact or indeed weighing loss in a wider planning balance. At present, there is no such comfort that a consistent approach can be achieved, albeit the Government is welcoming views on defining what is meant by 'substantial loss', in which circumstances Sport England would be a consultee.

3.5 Although the government proposes to remove of The Gardens Trust as a statutory consultee, they would still be notified of relevant applications within Registered Parks and Gardens. Their views would still therefore be material for decision-makers.

3.6 The Theatres Trust only receives around 100 consultations per year. We have sent them a number of statutory requests in recent years due to proposed works at the Palace Theatre. We have found their advice to be helpful. Theatres Trust engages on a non-statutory basis in relevant development, such as new theatre proposals, and has made representations to the government that it would seek to continue engaging in all relevant theatre development on a non-statutory basis, should its status as a statutory consultee be removed.

3.7 The relatively low number of consultations sent to Theatres Trust and Gardens Trust does not suggest that they are a burden in the planning process. They could continue to have the ability to make a positive contribution to planning decision-making.

3.8 Streamlining to the referral process for other statutory consultees is proposed, notably to National Highways, Natural England, Environment Agency and Historic England. These are summarised in the table overleaf:

Statutory consultee	Proposals	Potential outcome
Active Travel England	<ol style="list-style-type: none"> 1. Remove requirement to consult on commercial development 2. Raise threshold for residential consultation from 150 to 250 units 3. Create new requirement to consult on major school/college development 4. Create new requirement to consult on highways authority works where planning permission is required 	40% reduction in number of consultations overall
National Highways	<ol style="list-style-type: none"> 1. Replace current requirement for consultation on development over 10 units with a requirement for consultation where a transport assessment is required 2. Retain current requirement for consultation where there is a safety impact and introduce new categories where there is likely to be a safety or operational impact (for example, works that impact on highway drainage) 3. Introduce new triage system 	<p>25% reduction in number of consultations resulting from changes to consultation requirements.</p> <p>A further 10% reduction in consultations requiring substantive engagement, through new triage system.</p>
Historic England (HE)	<ol style="list-style-type: none"> 1. HE is a stat con on GI and II* listed buildings and are notified of all GII listed building applications. They propose removing notification requirements for all GII consents except demolition. 2. HE is also notified of conservation area applications of over 1000m². It proposes raising this threshold to 2000m². 3. HE must be notified of any listed building consent application in London boroughs, provided it is not for an excluded work (broadly demolition, alteration or extension of grade II listed building). This 	<p>20% reduction in applications received, as a result of dropping GII notification requirement and changing conservation area notification threshold.</p> <p>Removing London/LBC requirements could reduce application HE needs to see by circa 1000 p/a</p> <p>Potential to remove up to 15% of casework by tackling unnecessary referrals</p>

	leads to a doubling up of work, and HE has recommended removing this requirement.	
Natural England (NE)	<p>1. Increased use of standing advice, to cover issues such as air quality, and best and most versatile land.</p> <p>2. Supporting improved use of Impact Risk Zones from local planning authorities, including exploring options to expand its scope.</p> <p>3. Maximising opportunities to embed strategic approaches. This will involve an increased focus on strategic engagement, including through LNRSs and local plans, supported by a potential change to the primary legislation governing NE, in order to increase its flexibility in choosing where to focus their resources.</p> <p>4. Proactive working with local planning authorities to support capacity and capability building across the sector, including working with the Planning Advisory Service on issues such as housing, local plan advice and LNRS integration</p>	<p>8% of NE cases are already covered by pre-agreed mitigations, allowing consultation requirements to be streamlined.</p> <p>14% of NE caseload will benefit from newly published standing air quality advice.</p> <p>30% of NE caseload reflects unnecessary referrals from local planning authorities.</p>
Environment Agency (EA)	<p>1. Investing in replacement for legacy IT system</p> <p>2. Clarifying and streamlining existing processes</p> <p>3. Reviewing response approaches, including potential for more standing advice and standardised comments (for example, more standardised advice on biodiversity, land remediation).</p> <p>4. Shifting focus towards strategic interventions</p> <p>5. Reviewing all online guidance to ensure it meets needs of customers</p>	<p>37% of referrals (2024 to 2025) from Local Planning Authorities (LPAs) are unnecessary, often due to misinterpretation of consultation triggers.</p> <p>In addition 8% of referrals are already covered by EA standing advice, indicating a need for better awareness and application of existing guidance.</p> <p>A further 2–3% could be avoided by revising consultation protocols around land contamination matters</p>

	6. Working with local planning authorities and developers to support effective engagement	
Mining Remediation Authority	MRA proposes to reduce the scope of applications it advises on by developing additional standing advice for low-risk development in high-risk areas.	20% reduction from changes to referral criteria. Potential for up to 27% reduction in the number of consultations overall (based on measures to tackle unnecessary and inappropriate consultations)
Health and Safety Executive	Current referral criteria should be maintained, reflecting importance of safety focus.	No measurable impacts at this stage.

3.9 The government will continue to argue that around a third of referrals to the key statutory consultees which this consultation focuses on are unnecessary, either because they do not meet the criteria for referral, or because standing guidance is already in place.

3.10 It is acknowledged that the proposals will substantially reduce the number of referrals to statutory consultees. Nevertheless, there will be concerns that reducing the scope of consultees as well as the removal of Sport England and other statutory consultees will put at risk good quality outcomes.

3.11 Moreover, if there is a reduction in scope of consultation, for example higher thresholds at which consultees will be consulted, there are serious concerns that Local Planning Authorities will need to absorb an ability to respond themselves. This creates capacity and capability challenges. For example, if an LPA were to attach a planning condition requiring a flood drainage scheme there is then no in-house ability to assess this. There is no reference to any new burdens funding or expectation that LPA's should then 'resource-up' by having new in-house experts. Another example will be with active travel, given existing routes and priorities will not be known by the LPA.

3.12 The consultation ran from the 18 November 2025 until the 13 January 2026 and an officer response was submitted and is attached at **Appendix A**.

The New National Planning Policy Framework (NPPF)

3.13 The 2024 update to the NPPF reinstated mandatory housing targets, increasing the national ambition to 370,000 new homes annually. This increased Newark and Sherwood's target to 707, up from 454. As of 1 April 2025, the target number for dwellings is 691 per annum which indicates our land supply stands at 3.84 years. The tilted balance provides a presumption in favour of approval where Local Plans are out of date. This will continue under the revised NPPF.

3.14 The overall changes appear to aim to make planning policy more rules-based. There

will be a permanent presumption in favour of suitably located development to make development on suitable urban land acceptable by default. It will support housing and mixed-use development around train stations, with minimum density requirements of 40 dwellings per hectare for stations within settlements and 50 dwellings per hectare for well-connected stations outside settlements. It will also encourage higher density development in urban and suburban areas through redevelopment of low-density plots, upward extensions, and infill development, with clear expectations for minimum densities in well-connected locations.

- 3.15 Measures to support small and medium-sized builders are also proposed, including creating a new *medium* development category (10-49 homes) with proportionate information requirements and potential exemptions from the Building Safety levy. There are hooks for strengthening rural social and affordable housing, accessible housing for older and disabled people, and flexibility in unit mix for market sale housing.
- 3.16 The draft NPPF limits quantitative standards in development plans to specific issues where local variation is justified, avoiding duplication of matters covered by Building Regulations. Nevertheless, the NPPF potentially sets clearer policies for climate change mitigation and adaptation, including promoting sustainable transport, energy-efficient designs, and renewable energy.
- 3.17 The proposals give substantial weight to business growth, supports specific sectors like logistics and AI Growth Zones, and seeks views on removing the town centre sequential test.
- 3.18 The NPPF has been drafted to reflect Local Nature Recovery Strategies, with emphasis on landscape character, and introduces requirements for swift bricks and guidance on sites of local importance for nature.
- 3.19 The government also argues for a more positive approach to heritage-related development, replacing the current policies it considers difficult to navigate. This has resulted in a revamp of the heritage section with a new approach to identifying impact on heritage assets.
- 3.20 Fundamentally the government has sought through the introduction of National Development Management Policies to standardise the approach to dealing with planning proposals across the country. Local Plan's will not be able to include Development Management policies (NDMP) which take local approaches to elements covered in the NPPF. They have chosen not to do this in a statutory way – which is an option open to them in the Levelling Up & Regeneration Act – because they believe inclusion in the NPPF will be sufficient. It is not clear how leaving NDMPs as a material consideration through the NPPF rather than giving them the weight of a development plan policy will interact in legal cases.
- 3.21 Officers have prepared a draft response, which has been considered by Planning Policy Board on 4th February and is attached at **Appendix B** for approval.

3.22 The impact of the new Planning and Infrastructure Act will be significant. The Act gives the government the power to introduce regulations covering several aspects of planning committees, although most of these changes require further secondary legislation and are expected to be phased in during 2026 (initial advice is that regulations could be published in April).

3.23 **Mandatory Member training** - A key provision is the requirement for planning committee members to complete certified, mandatory training before they can participate in decision-making. This aims to ensure a consistent and adequate standard of understanding of planning law and related functions across England. The original consultation reported to the Committee considered two options, either a national certification route or formal in-house training. Members already must undertake planning training with officers before they can participate. Until regulations and advice are published, it is not clear which route the government will take.

3.24 **National scheme of delegation** - The Act enables the creation of a national scheme of delegation that will determine which types of planning applications are decided by planning officers (delegated powers) and which must be referred to the planning committee. This is intended to speed up decisions on smaller, routine applications and allow committees to focus on more significant developments. Members will recall our previous update in the summer of 2025 which set out the government model for a two tier approach with everything in Tier A (minor development up to 9 dwellings, reserved matters etc) being mandatory officer decisions, whilst those in Tier B being larger, more strategic applications, but still delegated by default unless they pass a 'gateway test' between chief planner and planning chair. Development projects submitted by the Council will still need to be considered by the Committee no matter what.

3.25 The gateway arrangements will be hugely important. It is assumed at this stage that the national scheme of delegation could drastically reduce the number of applications called into the committee. Other than for reporting (appeals, NSIPs, quarterly performance etc) and Council-led projects, there would be little call-in by default based on the last 2 years of committee agendas. What is difficult to judge is how many might be called in through Tier B with full agreement between chief planner and chair of the committee. It is assumed that development proposals for sites allocated through the Local Plan, will not be referred as Members will have been involved in the allocation process. The government advice is that the gateway test should be based on the mantra that a referral is warranted where it raises a "significant planning matter" or an issue of "significance to the local area" that warrants a committee decision. Remember that Tier B only includes applications not in Tier A, e.g. major applications, section 73 variation of condition applications as well as applications where the applicant is the Council, a Member or relevant officer.

3.26 The government now has the power to legislate through regulations to limit the size of planning committees. They argue this will support more effective and efficient debate and decision-making. The consultation in the summer of 2025 envisaged committees of no more than 11, but ideally smaller. The government was keen to stress that local authorities should not have the maximum as a default, but that a size of 8-11 was probably optimum for most. Consideration to our current broad political representation, the size of the committee will need careful consideration.

3.27 **Planning Fees** - Local authorities will be empowered to set their own planning application fees to better cover the cost of determining applications, provided the revenue is reinvested into the planning service. Planning application fees are currently set nationally and are intended to cover the cost to an LPA of providing their development management service. However, the government recognises that planning application fees do not always fully cover the costs in many cases. The Act establishes a new power for the Secretary of State to sub-delegate the setting of planning fees to the LPA. It also requires the planning fees must not exceed the costs incurred to determine that planning application. Should a local planning authority seek to set its own fees the fee income must be retained (or 'ring fenced') for spending on the LPA's relevant planning function.

3.28 Provisions within the Act include safeguards to prevent against excessive or unjustified fee increases by providing the Secretary of State with the power to intervene and direct an LPA to amend their fees or charges when it is considered appropriate to do so. Should the Council decide not to set their own planning application fees then the current nationally set fees will apply.

3.29 To set their own fees an LPA must consult on their proposed fee structure they wish to impose and provide evidence to justify the fees they propose. Significant resource in respect of officer time would be required to collect the evidence to initially establish what the level of fee would be; however, it would likely result in an increase in fee income from planning application fees. The government has indicated that the new fee regime could be available for 2027. Officers intend explore the possibility of setting our own application fees it will be prudent that work commences in the near future to evidence the time and resources taken up by the planning application process in order to establish a robust evidence base.

4.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Implications Considered			
Yes – relevant and included / NA – not applicable			
Financial	Yes	Equality & Diversity	n/a
Human Resources	n/a	Human Rights	n/a
Legal	Yes	Data Protection	n/a
Digital & Cyber Security	n/a	Safeguarding	n/a
Sustainability	n/a	Crime & Disorder	n/a
LGR	n/a	Tenant Consultation	n/a

Financial implications – FIN25-26/247

4.1 Whilst the reforms detailed within this report will have significant implications for planning services within the Council, in particular the local setting of planning fees,

this report is by way of an update and to seek approval for a consultation response to the NPPF and therefore does not have any financial implications in itself.

Legal Implications - LEG2526/9352

4.2 This report fully outlines the various reforms being proposed by the Government and their legal basis. These reforms will have significant impacts for the Council, specifically in relation to existing arrangements including the Council's Constitution, Planning Scheme of Delegation and Protocol for Planning Committee. This report is presented for noting and requests approval of the consultation response to the NPPF, with the response in Appendix A provided on behalf of the District Council.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

NPPF Consultation overview:

[National Planning Policy Framework: proposed reforms and other changes to the planning system - GOV.UK](#)

NPPF consultation document with questions:

[National Planning Policy Framework: proposed reforms and other changes to the planning system](#)

NPPF - Draft text for consultation:

[National Planning Policy Framework: draft text for consultation](#)

Reforms to the statutory consultees in the planning system overview:

[Reforms to the statutory consultee system - GOV.UK](#)