

APPENDIX TO AGENDA ITEM 6

3.6. Planning

- 3.6.1 Bidders will be able to take advantage of the planning reforms set out in the Consultation Response related to permitted development rights and simpler, area-based planning – in particular Local Development Orders (LDOs).
- 3.6.2 The government recognises the advantages that wider planning reform can bring to Freeports development. Therefore, as part of a longer-term programme of reform to England's planning system, the government is exploring the potential to go further in these areas, as well as the potential to test ambitious planning proposals in Freeports, taking advantage of the controlled spaces that they offer.
- 3.6.3 In addition to the measures set out in the Freeports Consultation, the government is actively exploring a new, simpler framework for environmental assessment, as well as intending to review the National Policy Statement for Ports in 2021.

i. Permitted development rights

- 3.6.4 The government has confirmed that it will amend the Part 8 Class B rights used by seaports within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 so that they are brought into closer alignment with existing rights for airports. This change will allow for a wider range of development and operational activities to take place in seaport areas, specifically in relation to permitting the development of buildings for purposes connected with the operation of the port.
- 3.6.5 This will help to provide planning certainty to developers and enable development plans to progress more quickly through the planning system as developers will be able to benefit from these expanded permitted development rights without the need for local authority planning permission.
- 3.6.6 Some respondents to the consultation suggested additional bespoke amendments to permitted development rights may be appropriate to better support the specific needs of seaport developments. Therefore, in line with the policy consulted on, the government will explore the feasibility of including in the regulations additional amendments to the permitted developments rights of seaports suggested by respondents to the Freeports Consultation.

ii. Simpler, area-based planning

- 3.6.7 The government has confirmed that it will encourage local authorities and prospective bidders to consider how certain planning freedoms – in particular, Local Development Orders (LDOs) – could be used to support appropriate development in Freeport areas. These measures would help accelerate and provide greater planning certainty for defined types of development in Freeport locations. Measures would also empower local authorities to take a strategic approach to Freeports development. Bidders should provide evidence on how their development plans could be supported by an LDO.
- 3.6.8 To support this process, the government is committed to providing further assistance to successful bidders to implement LDOs in their areas and will work in partnership with local authorities to ensure successful delivery. Details of this further assistance will be provided to successful bidders.

iii. Environmental Impact Assessments (EIA)

- 3.6.9 Some respondents to the consultation noted that the threshold to meet the need to conduct an EIA is lower for ports development than other types of similar development. This subsequently affects the scope of permitted development rights for ports as developers cannot use such rights if a development requires an EIA. As part of the wider planning reforms, the government will be considering how environmental assessment can be streamlined across all forms of development while ensuring better outcomes for the environment.

iv. National Policy Statement for Ports (NPSP)

- 3.6.10 In the Consultation Response, the government set out that it will consider whether a review of the National Policy Statement for Ports is appropriate. As per the Secretary of State's ongoing duties in relation to reviewing the National Policy Statement for Ports under the Planning Act 2008, the government intends to review the National Policy Statement for Ports in 2021.

v. Bidder requirements

- 3.6.11 Bidders will need to demonstrate relevant stakeholder support for their proposals to ensure successful delivery. At a minimum, the government would expect the relevant local authorities to:
- a. Be part of the bidding coalition
 - b. Have discussed development plans as part of compiling the bid
 - c. Offer statements of support for implementing a Local Development Order (LDO) or similar mechanism
- 3.6.12 Such cooperation will be vital for ensuring development plans are able to progress smoothly through the planning system. The government expects bids to demonstrate local authority support for commercial property development within tax and customs zones, to support their growth, which could be set out in an LDO. Bidders should also account for where Freeports development affects the local housing market and demonstrate proposals to address those impacts.
- 3.6.13 In addition to the minimum requirements, successful bids should:
- a. Include qualitative proposals explaining how a Local Development Order (LDO) or similar mechanism may be used to support Freeport objectives
 - b. Provide map-based evidence of where underutilised land, including the tax sites, may be redeveloped for the purposes of Freeports development, with the appropriate support of the relevant local authority
 - c. Consider how their Freeport proposals affect local housing markets
 - d. Show how the existing local planning environment can respond or propose an approach to mitigating any adverse impacts (for example, by revising the relevant Local Plan)
- 3.6.14 The government also welcomes bids which present innovative development proposals, including those that are forward leaning on using available land to bring forward infrastructure and support businesses that further the UK's decarbonisation agenda or Net Zero ambitions.

