

RESPONSE TO DRAFT NPPF CONSULTATION QUESTIONS

1. Introduction

No questions.

2. Policy objectives

No questions.

3. Planning for the homes we need

Q1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?

It is preferable to provide greater clarity regarding how the standard method should be used to establish a housing requirement figure.

Q2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

Partially agree - As above, agree that it is preferable to provide greater clarity regarding how the standard method should be used to establish a housing requirement figure. However, there will be circumstances when an alternative approach is justified and therefore there should still be reference to exceptional circumstances.

Q3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?

Agree - the urban uplift was an arbitrary figure which was not evidence-based.

Q4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

Agree with this change. There is adequate wording within paragraph 129 in relation to density.

Q5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

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Agree – this allows for resources to be focused on creating design codes in areas where growth is focused.

Q6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

Clarifying it relating to policies for the supply of land is helpful. However, there is significant concern that this will apply to significantly more development proposals due to the higher housing targets and the requirement to continually demonstrate a five-year housing land supply. This is likely to result in poorly planned, ad hoc development without the necessary infrastructure.

Q7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

Disagree – There should not be a requirement to demonstrate a five-year supply for up-to-date plans, particularly those which have recently been subject to examination. The Local Plan will have identified a sufficient range of sites. The proposed change reduces the importance of a plan-led system and will increase the likelihood of ad-hoc development which is not supported by infrastructure. It is also likely to result in more applications being subject to complex appeals where there is disagreement regarding the 5-year supply position, even in areas where a recently adopted Local Plan is in place. More focus should be placed on compelling developers to build on existing permissions.

Q8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?

Disagree - It is unclear how the changes would 'celebrate strong delivery records'. Where authorities have delivered significant number of homes previously, this should be recognised either through the five-year housing supply calculation or through the overall housing requirement.

Q9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

Partially agree - a small buffer should be added to apply some flexibility. However, combined with the higher housing targets, and need to have a five year supply even with a recently adopted plan, this is likely to be very challenging.

Q10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?

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The figure should not be above 5%. 5% is sufficient to provide flexibility. However, a 20% buffer applied where there has been under delivery, in addition to the significant increase in housing targets, will result in a significant number of authorities not having a five-year supply and reduces the ability to plan strategically to meet key infrastructure requirements.

Q11: Do you agree with the removal of policy on Annual Position Statements?

The Borough Council did not use Annual Position Statements. With a continuing need to demonstrate a five-year supply, there would not be a role for these.

Q12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Agree - The emphasis on the importance of working together and cooperation at a strategic level is supported. The Council is already committed to this through the Greater Nottingham Joint Planning Advisory Board which is considered to be an appropriate geography for strategic planning.

Q13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?

It should be recognised that the same level of evidence relating to deliverability and viability can be difficult to demonstrate for large scale infrastructure projects compared to smaller housing and employment schemes. Mechanisms should be in place which encourages long term and ambitious planning for strategic projects.

Q14: Do you have any other suggestions relating to the proposals in this chapter?

N/A

4. A new Standard Method for assessing housing needs

Q15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

It is considered preferable to have a stable baseline compared to household projections which created uncertainty.

Q16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?

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It is agreed that using an average affordability is preferable than using a single year. However, the results of the method appear to result in significant increases in areas where there has been a record of poor delivery for market reasons. A significant increase in housing targets will not address this.

Q17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?

Affordability is an important factor however, it needs to take into account the local characteristics and economy of the area, including average earnings. There is concern regarding the significant increase in housing numbers this results in which is significantly above what has been delivered historically within the authority, despite significant Green Belt release and planning permissions being granted. An appropriate cap should therefore still be applied.

Q18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

Rental affordability is important but there needs to be a clear and up-to-date evidence base which informs this, informed by average earnings and taking into consideration relevant rent caps. Rental affordability may be more appropriately dealt with through Housing Needs Assessments and identifying appropriate tenure splits, rather than through impacting the overall housing requirement figure.

Q19: Do you have any additional comments on the proposed method for assessing housing needs?

Whilst the objective of significantly increasing housing supply is noted, the proposed changes to the standard method results in increases in some areas, including Broxtowe, which will be very challenging, if not impossible to achieve, even if sufficient land is allocated. It is questioned whether the market would deliver houses at this rate and, combined with the other changes proposed, would significantly increase ad-hoc developments coming forward, outside of Local Plan allocations. This reduces the ability to strategically plan and provide appropriate infrastructure to meet the needs of new development. The cost of funding infrastructure to unlock larger scale housing growth in Broxtowe is highly likely to require substantial investment of public funds. Transport investment and planning systems need to be better aligned to enable this to happen. It is unrealistic to expect local authorities to accommodate over 71% additional growth in housing numbers immediately without at least a transitional period .

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5. Brownfield, grey belt and the Green Belt

Q20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

We would have no objection to this change, although, in itself, it appears to make little difference to the current situation.

It does not seem to be clear what the term 'brownfield passports' is referring to.

Q21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

We would have no objection to this change in itself.

However, the associated text in the consultation document (chapter 5, paragraph 6) says that it "makes no sense" to protect former "petrol stations or carparks". Depending on the details of particular proposals, redevelopment of isolated previously-developed land (PDL) sites such as these could certainly result in "substantial harm to the openness of the Green Belt". A focus on individual sites such as these would be an inappropriately non-strategic approach to Green Belt release. It would be important that any revised Planning Practice Guidance reflects this point.

(If the Government nevertheless confirms its apparent intention to take a much more 'permissive' approach to the development of PDL Green Belt sites, it would seem appropriate to amend the NPPF reference to 'openness' as being one of the 'essential characteristics' of Green Belts (current paragraph 142). In any case, given that the Government is (for understandable reasons) proposing substantial changes to Green Belt policy, this review of the NPPF seems to be an appropriate occasion to reconsider the 'essential characteristics' and 'purposes' of Green Belts (current paragraphs 142-143) (bearing in mind that the consultation document (chapter 5, paragraph 2) refers to an apparently single 'purpose' of the Green Belt). For example: the reference to 'permanence' could be reconsidered (as, arguably, no planning policy could or should be 'permanent'); the terms 'sprawl' and 'encroachment' could also be reconsidered (is it clear exactly what they mean, and is there a significant difference between them?); and the reference to 'unrestricted' sprawl could also be reconsidered (arguably, given the existence of the planning system, no sprawl is ever 'unrestricted').)

Q22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

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The changes proposed at chapter 5, paragraph 7 seem unlikely to be helpful, as the definition already includes 'fixed surface infrastructure' (which would seem to include 'hardstanding') and glasshouses are very unlikely to be in locations that would be suitable for non-agricultural/horticultural development.

(Incidentally, now would seem to be an appropriate opportunity to clarify/correct the apparent anomaly in the NPPF definition of PDL, whereby residential gardens in rural ('non-built-up') areas are defined as PDL, and therefore, other things being equal, treated as a relative priority for development, whereas residential gardens in urban ('built-up') areas are defined as 'greenfield', and therefore a lower priority for development.)

(Also incidentally, it would be preferable for the 'PDL' term to be used consistently in Government publications, rather than 'brownfield', as such sites are rarely either 'brown' or 'fields'.)

Q23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

No.

As a minor point, the term 'grey belt' is unhelpful, as it appears that much of the land concerned will not be 'grey' and that little of it will form a 'belt' around settlements.

The definition of 'grey belt' seems to require a definition of what constitutes 'limited contribution' to Green Belt purposes, as it is difficult to envisage a 'parcel' or area that would make an 'unlimited' contribution to Green Belt purposes. The list of points at chapter 5, paragraph 10 of the consultation document does not seem to help much, partly because some of the points seem to simply refer back to the defined purposes of Green Belt. There also seems to be potential for confusion between the terms 'contributing to' and 'performing against' Green Belt purposes.

'Grey belt', as defined, seems to focus on 'sites' (at chapter 5, paragraph 8) and 'parcels' of land (in the glossary definition). Despite references elsewhere in the consultation document to 'sustainable' locations (itself an ill-defined concept) and a 'strategic' approach to Green Belt release, this definition seems very likely to result in great pressure for residential development in unsuitable locations, such as isolated petrol stations (referred to at chapter 5, paragraph 6), remote from local services and public transport.

There also seem to be important differences between the proposed NPPF definition and the description of 'grey belt' given in the Secretary of State's statement that accompanied the launch of the consultation (which itself seemed to reflect previous comments by the Prime Minister). The Secretary of State described 'grey belt' as

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“land on the edge of existing settlements or roads, and with little aesthetic or environmental value”; however, the NPPF definition does not refer (or at least, not directly) to “land on the edge of existing settlements or roads”, nor to “aesthetic or environmental value”. It seems important to clarify this apparent discrepancy, as it would seem to raise great potential for confusion and debate with regard to applications and appeals. If it is the Government’s intention that aesthetic and environmental issues should be important when considering Green Belt releases, it would seem appropriate for these to be incorporated in the specified purposes of Green Belt. Similarly, if the intention is to prioritise the release of Green Belt land on the edge of existing settlements, this would seem to require some adjustment or clarification of the Green Belt purposes relating to ‘sprawl’ and ‘encroachment’.

Overall, it is not clear that the concept of ‘grey belt’ adds much of value to the consideration of Green Belt issues with regard to planning applications or local plan reviews. It would be beneficial if the glossary definition of ‘grey belt’ used a hyphen for ‘previously-developed’ (as in the proposed amendments to current paragraph 147) and if it was consistent regarding the use of capitals in the term ‘Green Belt’.

Q24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

It is not clear what exactly is meant by the term ‘high performing’, however chapter 5, paragraph 8 seems to indicate that it relates to the ‘environmental value’ of the land. Under the current/previous system, Green Belt is designated as a strategic planning tool, not because of the ecological, recreational or landscape value of the land. If this is intended to change, it would seem necessary for the defined purposes of Green Belt to be revised.

We do not suggest any amendments to the definition of ‘grey belt’ with regard to this point because, as mentioned in response to Q23, more fundamental issues appear to be raised.

Q25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of [i.e. to] Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Yes.

Planning Practice Guidance might be the more appropriate location.

As part of this, it may be helpful for the Government to take a view on whether Green Belt designation is equally valuable around all parts of a city (including, for example, land to the east of Nottingham) or whether it is most valuable where there is a substantial risk of merging between cities and/or other settlements (such as, arguably, land to the west of Nottingham).

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Q26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

As mentioned in response to Q23, the list of points at chapter 5, paragraph 10 of the consultation document does not seem to help much, partly because some of the points seem to simply refer back to the defined purposes of Green Belt (such as those relating to merging and historic towns).

Q27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

They could play a very important role. However, it will be important that LNRSs are incorporated into the plan-making system; currently their status and role seem somewhat unclear.

Q28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

No.

The question, and the preceding paragraphs in the consultation document, appear to highlight the potential conflict between focusing attention on “previously developed and grey belt land” (which may well be in locations isolated from services and public transport) and the desire to ensure development “in the right places”.

Similarly, the Secretary of State’s apparent emphasis on “land on the edge of existing settlements” might well mean development in locations with better access to services and public transport. Either way, the proposals again appear to suggest the need for a review of the defined purposes and ‘essential characteristics’ of Green Belt, with regard to openness, sprawl and encroachment. If the Government decides to proceed with the current proposals, the fifth purpose should perhaps also be reconsidered, to maybe emphasise ‘regeneration’ in rural as well as urban areas.

Q29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

Yes, in itself.

However, it is not clear what exactly is meant by “fundamentally undermin[ing] the function of the Green Belt across the area of the plan as a whole”. It can be argued that each individual release does not “fundamentally” undermine the Green Belt,

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however a series of relatively small incremental releases may well result in undermining “the function” (which presumably means ‘the five purposes’).

Q30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

No.

The term “sustainable” is by no means a clear-cut term and is far from synonymous with ‘grey belt’ (however defined), or PDL. In addition, the proposed approach gives far too much weight to statistical calculations, relating to issues that, with regard to five-year supply, involve a high degree of speculation, and, with regard to the Housing Delivery Test, are beyond the direct control of LPAs, relative to the weight that should be given to the fairly fundamental planning issues that can be at stake when considering poor proposals for development in the Green Belt. There appears to be excessive emphasis on the quantity of housing supply, at the expense of quality and appropriate locations.

We would therefore recommend amendment of the wording of proposed paragraph 152, part a, and deletion of part b.

Q31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

Similar issues apply as with regard to the previous questions, regarding housing needs.

Q32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

It would be logical for the same considerations to apply to traveller sites, as to other forms of housing.

Q33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

The assessment of need should probably be approached in the way that it currently is. It would however probably be appropriate for the ‘Planning policy for traveller sites’ and the NPPF to treat traveller sites as, in principle, being ‘not inappropriate’ in the Green Belt

Q34: Do you agree with our proposed approach to the affordable housing tenure mix?

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Yes, we agree that, as referred to at chapter 5, paragraph 24, the mix “should be for local authorities to decide”.

Q35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?

Yes, the 50% target should apply to all (current and previous) Green Belt areas. We welcome the high percentage figure.

However, this approach is less likely to be successful if, in practice, the emphasis is on releasing small, isolated PDL and/or ‘grey belt’ sites. It is not clear, though, why similarly high targets (or requirements) should not apply to all development sites, whether or not they were, or are, designated as Green Belt.

The opportunity should be taken to carry out a more fundamental review of the concept of ‘affordable’ housing, as properties for sale or rent at prices close to 80% of local market values will often not be genuinely ‘affordable’ to many people on low incomes. (Increasing supply, in itself, will not improve ‘affordability’ to a significant extent due to the dominance of the housing market by existing stock and the (very sensible) reluctance of developers to increase the rate of local supply to an extent that would significantly reduce the price of their products.) “Affordable housing” is a crude term. Councillors at Broxtowe attach a high value to national space standards and buildings which have low carbon emission levels. They also value well integrated developments, so that affordable and other homes are in well integrated relationship with each other, and the concept of “lifetime” homes as well as just the issue of affordability.

Q36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

Yes, broadly. However, proposed paragraph 155 refers to “green spaces that are accessible to the public” and does not specifically refer to ‘nature’, so this could be clarified. Green spaces need to be integrated with each other as well as with development to allow wildlife corridors. Green and blue infrastructure also need to be well integrated.

Q37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?

Yes.

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A similar approach should be taken to all development sites, whether or not they were, or are, designated as Green Belt.

Q38: How and at what level should Government set benchmark land values?

This is a very difficult and complex issue which seems to require separate subsequent consultation. In all circumstances and not just relating to the Green Belt, the point referred to in chapter 5, paragraph 28, regarding the need to achieve an appropriate mix of 'landowner or developer profits' and 'public good' is key.

Q39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?

We agree with it.

Q40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought? Do you have any views on this approach?

We agree insofar as policy should set clear requirements for high levels of 'affordable' housing. However the use of section 106 agreement funding for affordable housing is a valuable source of income enabling local authorities to build affordable homes. If this is not available, alternative income sources need to be provided or the policy will have adverse consequences.

Q41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

Yes, we agree. Clear support for this approach in the NPPF would be welcome.

Q42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers' sites and types of development already considered 'not inappropriate' in the Green Belt?

It would probably not be appropriate for 'affordable' housing to be provided in connection with commercial development or traveller sites. However, similar infrastructure requirements should apply. Open spaces with public access, even if not in immediate proximity to local residents, should be required in many cases.

Q43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other

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transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

It would seem to be difficult to justify applying any 'rules' retrospectively. The scale of increase in housing targets for some authorities, including Broxtowe is such that the pace at which the local authority can be expected to comply with them needs to be subject to some form of transitional arrangement.

Q44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?

Please see our previous comments regarding questions 21-23.

Q45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?

We agree with the (tentative) proposals regarding 'no hope value' compensation and the potential proactive role in land assembly for LPAs and Homes England.

Q46: Do you have any other suggestions relating to the proposals in this chapter?

No.

6. Delivering affordable, well-designed homes and places

Q47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

Yes

Q48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?

Yes, if it allows for LPAs to set their own targets based on local need.

Q49: Do you agree with removing the minimum 25% First Homes requirement?

Yes, this should be based on local need.

Q50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?

We would like to retain the option.

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Q51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?

Yes.

Q52: What would be the most appropriate way to promote high percentage Social Rent / affordable housing developments?

Considering no viability testing above a minimum proportion. Public support for funding of infrastructure requirements (roads, rail connections). It may be helpful to reward developers for faster build out rates.. Better government funding support for large scale low carbon modern construction method developments would increase build rates.

Q53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

Should be controlled through Local Plan policy when allocating larger sites. Not sure how we'd capture this for windfall sites

Q54: What measures should we consider to better support and increase rural affordable housing?

Neighbourhood plans feeding into local plans

Q55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?

Yes (this refers to the inclusion of 'looked after children' in definition of different groups in the community along with groups such as families, elderly, disabilities, service families, travellers etc.)

Q56: Do you agree with these changes?

Yes. This refers to broadening definition of community led development and removing size limit, which could be established through local plan

Q57: Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?

No, the current definition relates to registered providers, who must adhere to certain standards and regulatory requirements.

Q58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

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Small site owners may simply not have the resources to be aware of calls for sites or to promote them through the plan-making process.

Q59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?

Yes

Q60: Do you agree with proposed changes to policy for upwards extensions?

Yes

Q61: Do you have any other suggestions relating to the proposals in this chapter?

No

7. Building infrastructure to grow the economy

Q62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

Yes. However, the proposed wording at paragraph 86 b) refers to 'appropriate sites', which would include 'suitable locations' – it would be helpful to clarify the distinction (if any) between 'appropriate sites' and 'suitable locations'.

Q63: Are there other sectors you think need particular support via these changes? What are they and why?

Yes. Research into, and the manufacture of, sustainable construction materials ought to be supported to supply the proposed increase in building from locations as close as possible to areas of demand.

Q64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

We would have no objection to this provided such developments were in a suitable location. Developments such as logistics sites need to be very well situated in relation to the highway network.

Q65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

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It would not be appropriate to remove LPA control over relatively small developments. However, we do not have views about a precise scale limit.

Q66: Do you have any other suggestions relating to the proposals in this chapter?

No, not regarding this chapter specifically. However, with regard to broader issues concerning the economy, it would seem to be essential that part 7 of the NPPF, concerning town centres, is reconsidered and updated to recognise the many changes in recent years to Use Classes and Permitted Development Rights.

8. Delivering community needs

Q67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

Yes. It would also be useful to have data on need to assist in weighting.

Q68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?

Yes. Need for early years and post-16 is usually disaggregated in any case.

Q69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?

Yes. This should link into place-making, so that green infrastructure, active and sustainable travel are designed-in as prior requirements according to the hierarchy of provision, with roads serving residual need. A little more detail as to what 'vision-led' means would be useful, perhaps referring to local modal split targets.

Q70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

Retrofitting green infrastructure and active travel links. Creating some model Travel Plans with 'SMART' objectives that require standardised, updateable information for occupiers, typical interventions for most scenarios and common data for monitoring. This will simplify and thereby increase enforcement and compliance.

Moving the Nationally Described Space Standards into sub-characteristic H1 of the National Design Guide and adding guideline amenity space standards linked to the degree and quality of access to green infrastructure at H2.

Considering whether uses that sell food for immediate consumption, such as coffee shops, ice cream shops, bakeries and cafes should be removed from Class E so

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that local policy can control proportions and total numbers, ensuring balanced town centres and limiting access to food high in fat, salt and sugar.

Further restricting out-of-centre development of main town centre uses, but particularly food for immediate consumption. This would both strengthen town centres and limit the generality of access to food high in fat, salt and sugar.

Q71: Do you have any other suggestions relating to the proposals in this chapter?

No.

9. Supporting green energy and the environment

Q72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?

Yes.

Q73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

Yes.

Q74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Yes.

Q75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

No strong view, but note that this moves the threshold from typically around 16-20 turbines to 33-40.

Q76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

No strong view, but note that this moves the threshold from typically around 50 hectares to 150 hectares.

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Q77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?

A threshold of 100MW for both would be both reasonable and consistent.

Q78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

Require all development to incorporate sustainable drainage systems with targets for net run-off reduction. Facilitate the provision of district heating systems through use of waste heat or community heat pumps to achieve and pass on efficiencies of scale. Create a hierarchy whereby heat must be taken from district systems where available and from less efficient or sustainable sources only where necessary.

Q79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

This area of research is still maturing, but is not widely understood outside of a relatively small expert group. Tools and people capable of using them are not generally available. The lack of understanding, the sometimes-significant mismatch with financial accounting and a lack of location-specific data are all challenges. There is a danger that in some areas (especially poorer ones) compensatory biodiversity or carbon mitigation measures will not benefit communities closest to where the impact of development is felt. This is something which needs a much better regulatory system which is appropriately funded and resourced by people with appropriate expertise.

Q80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

A stronger emphasis (in paragraph 175) on addressing flood risk for all and not just major developments is needed and policy should reflect the increasing risk of urban surface water flood risk, so that more attention is given to permeability.

Q81: Do you have any other comments on actions that can be taken through planning to address climate change?

Clarify the position with respect to the Written Ministerial Statement on securing emissions reductions through planning policy.

Q82: Do you agree with removal of this text from the footnote?

Yes.

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Q83: Are there other ways in which we can ensure that development supports and does not compromise food production?

Require development that takes significant areas of farmland to assess and, if necessary, offset the loss of productive capacity. Support new methods of food production – vertical growing technology, etc.

Q84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

Yes.

Q85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

Yes. Requiring water companies to consult LPAs as well as the EA on their Asset Management Plans and to notify LPAs well in advance when using their permitted development rights, particularly for what would otherwise be major development. Setting requirements for the storage of rainwater related to total run-off.

Q86: Do you have any other suggestions relating to the proposals in this chapter?

No.

10. Changes to local plan intervention criteria

Q87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?

Providing clear criteria assists in understanding when intervention powers may be used.

Q88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?

No – This would create uncertainty regarding when intervention powers may be used and may result in inconsistency.

11. Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

Q89: Do you agree with the proposal to increase householder application fees to meet cost recovery?

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Yes. Any uplift in application fees to cover costs would be most welcome. Also, if householder application fees were increased in line with others, this could simplify the fee structure. However, in view of the current economic climate, there is a risk that increasing fees significantly could see more avoidance and this in turn would have an impact of increased enforcement costs.

Q90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

If Yes, please explain in the text box what you consider an appropriate fee increase would be.

Firstly, all minor fees (not just householder) should be brought back in line with majors – the difference between the 25% increase for minors and 35% for majors in December 2023 complicated fee calculations.

Then the increase needs to be split into bands as it amounts to more than double the current fee and would apply equally to smaller development, such as erecting a fence, as it would to a large extension or outbuilding.

So, where no floor space is created, the fee should be around £278; where up to 40 square metres is created, around £528 is appropriate; and over 40 square metres, a fee around £528 is appropriate.

Q91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?

Yes

No – it should be higher than £528

No – it should be lower than £528

no - there should be no fee increase

Don't know

If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.

Yes, but subject to significant variation across different scales of development and complexities of process (for example, where several amendments are made).

Q92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.

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There is an error in the Regulations from December 2023 where the fixed amount in paragraph (3) (d) of Category 3 in the Schedule results in the fee going from £4,624 for 999 square metres down to £624 for 1,000 square metres. This needs to be corrected, ideally by bringing minor applications back in line with majors.

Many of the prior approval application fees do not cover costs and often have to be prioritised over other applications due to the time limits attached to them. These should be increased at least in line with majors, so £130 instead of £120.

Q93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

No.

Q94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below.

No. This would introduce significant additional complexity to the system and could have unforeseen consequences in terms of avoidance and enforcement costs.

Q95: What would be your preferred model for localisation of planning fees?

Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.

Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.

Neither

Don't Know

Please give your reasons in the text box below.

If localisation were pursued, then we would prefer local variation, possibly within a county or a combined authority area to minimise complexity.

Q96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

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Possibly, but whilst any uplift in fees would be seen as beneficial to support the Council in meeting its funding gap, there would clearly be a tipping point at which the level of fee increase would become counterproductive.

Fees for retrospective applications could be doubled and all of the Enforcement Notice 'ground (a)' appeal fee could be paid to LPAs.

Fees payable to PINS could be introduced for all appeals. These might be half the application fee and be repayable if the appeal is upheld.

The lower fee rate above 50 dwellings, 2.5/5.0 hectares or 3,750 square metres could be removed and the maximum fee for majors could be raised.

Q97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

Additional fees for retrospective applications and 'ground (a)' appeals against Enforcement Notices could help to fund the enforcement service. No longer splitting the 'ground (a)' appeal fee would also reduce system complexity. Fees for all appeals would replace loss of PINS revenue from 'ground (a)' appeal fees.

A higher fee rate above 50 dwellings, 2.5/5.0 hectares or 3,750 square metres or higher maximum fee, would typically relate to larger sites, in respect of which it is likely that policy and plan-making would have been involved. The additional revenue from this could fund that service.

Q98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?

Yes, particularly if the thresholds are being amended with the possible result of more DCO applications.

Q99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

We have no experience of DCO applications, but all tiers ought in principle to be able to recover their costs. Where planning performance agreements are adhered to and allow these to be controlled, then flexibility may be appropriate.

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Q100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?

If fees generally are to be set to approximate to cost recovery, then the total fee ought never, in theory, to exceed the equivalent planning application fee or the proportion thereof attributable to each authority.

Q101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

We have no experience of DCO applications.

Q102: Do you have any other suggestions relating to the proposals in this chapter?

Applications where several amendments are made prior to determination cost significantly more than applications on which pre-application advice has been sought (and paid for) resulting in no amendments during the application process.

Prohibiting amendments after submission, possibly alongside reinstating the 'free go', would simplify the system and significantly ameliorate this problem.

12. The future of planning policy and plan making

Q103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?

Partly disagree. Transition arrangements are welcome to prevent the need for well progressed plans to have to start again. However, the current wording creates uncertainty. A specific date would be preferable to stating "one month after the revised framework is published". It is also unclear whether the new standard method figure would be applied in respect of 5-year housing land supply and housing delivery test during the transition period (i.e. where a plan is proceeding under the existing NPPF and has been submitted for examination).

Q104: Do you agree with the proposed transitional arrangements?

Partially agree. The extension to progress plans under the current system is welcomed however it is unclear whether this applies to plans which are already at Regulation 19 stage or will be at Regulation 19 stage within one month of the new NPPF being published. Clarification is therefore required.

Q105: Do you have any other suggestions relating to the proposals in this chapter?

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N/A

13. Public Sector Equality Duty

Q106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

N/A