

Response ID ANON-SNQ4-RJXK-5

Submitted to Proposed reforms to the National Planning Policy Framework and other changes to the planning system
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Scope of consultation

Respondent details

a What is your name?

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c What is your organisation?

Organisation:
Epping Forest District Council

d What type of organisation are you representing?

Local authority

If you answered "other", please provide further details:

Chapter 1 – Introduction

Chapter 2 – Policy objectives

Chapter 3 – Planning for the homes we need

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

No

Please explain your answer:

There are concerns about the figures provided for the proposed Revised Method, and it is considered imperative that there is the ability to justify a lower housing requirement than the figure the method sets in certain circumstances.

Epping Forest District is over 90% Green, the majority of which is Grade 2 and 3a. There is clearly a need to have food produced near to its market i.e. London, and therefore this requires protection.

Epping Forest District contains Epping Forest, which is a Special Area of Conservation protected under the Conservation of Habitats and Species Regulations 2017. Therefore, the Local Authority has a duty to ensure that plans and projects, including Local Plan allocations and windfall development, have no adverse effect on the integrity of the Epping Forest SAC either alone, or in combination with other plans and projects, including the SSSI within Epping Forest.

The potential adverse effects on the integrity of the Epping Forest Special Area of Conservation, and in particular in relation to the Atmospheric Pollution and Urbanisation (Recreational Pressures) Pathways of Impact would need to be tested through the Habitats Regulations Assessment process. The Atmospheric Pollution Pathway of Impact assessment will need to be informed by the most up-to-date air quality and traffic monitoring data available and the outputs of air quality modelling.

Epping Forest District Council has been working with Natural England for some considerable time to ensure that the 11,400 allocated dwellings and 23 hectares of new employment land, along with any additional/windfall development, can be accommodated without adverse effect on the EFSAC. The proposed uplift in housing provision would lead to a significant adverse effect on the EFSAC that may not be able to be resolved.

Addition Councillor comments: Instead of a population projection it is 0.8% of the existing housing stock, uplifted if the cost of housing is particularly high, but no methodology is proposed as to how to make that assessment. By using a percentage figure, this, of course means that housing numbers to be built would be larger year after year rather than a regular absolute number. There are also concerns that the new methods of calculating housing needs will not provide the demographic distribution that is required.

Using 0.8% of existing housing stock breaks any link with expected population growth which will vary over time. The 0.8% baseline should be a starting

point which is then adjusted using population growth estimates according to a fixed formula. This provides a way of adjusting baseline targets without having to allow other alternatives methods.

There are also concerns that much of the expected new development residents will, by necessity, work in Greater London (rather than a 20 min community), putting more pressure on the roads. By contrast new towns can be designed as 20 min neighbourhoods.

2 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?

No

Please explain your answer:

It is essential in some instances, such as that described in answer to question 1, to explore alternative approaches to assess housing need in certain circumstances.

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

Not Answered

Please explain your answer:

No comment

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

No

Please explain your answer:

This could substantially adversely affect the character and historical integrity of areas outside urban/suburban areas or major cities e.g. small historic towns. For such areas the protection needs to be emphasised not weakened.

However, we appreciate that the removal of density restrictions would assist in the most efficient use of appropriate sites (specifically urban/suburban areas) and therefore reduce the need to provide additional housing on less preferable sites (i.e. Green Belt/grey belt sites). It is acknowledged that other paragraphs require 'appropriate' densities and scope for refusing 'inappropriate' densities remains.

5 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?

No

Please explain your answer:

Whilst authority-wide design codes may provide some benefit in securing consistency across the District, design codes covering large areas with a large variety of area types can result in more generic guidance and is less useful, and repeats best-practice design guidance covered in national policy and guidance as well as the design policy within the local development plan.

We agree that there is more benefit to producing area-focused design codes and codes for large new communities in particular, to tailor requirements to the local context and local needs, including community aspirations. The benefit of focusing design codes on new communities is that they can be produced before masterplans or at an early stage to ensure that design quality expectations are clear and factored into developers' viability appraisals.

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

No

Please explain your answer:

Due to the reasons given in answer 1.

There is inherent risk in this approach. A weak five-year supply situation can lead to the submission of poor quality speculative planning applications and what is often referred to as 'planning by appeal' – the antithesis of the plan-led planning system the Government wants to promote. A huge amount of time, resource and public money is expended to put Local Plans in place and deliver sustainable and good-quality development solutions, and this can sadly be diverted and swallowed up by the fight against speculative and poorly planned development proposals under a planning by appeal scenario.

Introducing significantly increased mandatory housebuilding targets as well as re-introducing the requirement to maintain a five-year housing supply against those targets will result in many authorities going from having a comfortable five-year housing supply against existing targets to having a significant shortfall against the new targets – thus immediately falling prey to a period of potential planning by appeal.

There are already limited resources available to most Councils, without having additional pressure in having to deal with a planning by appeal scenario. Furthermore, additional resourcing will be needed at the Planning Inspectorate in order to deal with such a likely increase in appeals.

Notwithstanding the overall objection, it is suggested that the wording "5-year housing land supply at all times" could be replaced by something like "5-year housing land supply that must be updated every 3 years at a minimum".

7 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?

No

Please explain your answer:

As part of the local plan process, LPAs need to demonstrate a 5 Year Housing Land Supply (5YHLS) at the point of adoption and that this should be reflected in the decision-making process. The 5YHLS must be demonstrated through the local plan housing trajectory which LPAs draw up having been informed by a whole range of considerations, including having engaged with developers and site promoters, factoring in the time it takes to start delivering on more strategic sites, the timing and phasing of critical infrastructure delivery and so on. Depending on local circumstances, such including the scale and nature of proposed allocations, 5YHLS may take a "stepped trajectory" approach i.e. that delivery of new homes will accelerate later in the Plan period. The Council's adopted Local Plan took this approach which was clearly evidenced and justified at examination. Government has made it clear that it believes in a plan-led system, so this "decoupling" of a crucial part of a Local Plan is of concern. Once a local plan has been adopted its housing land supply should be fixed for a period of five years (which reflects the period whereby strategic policies are considered to be up to date). The requirement to have completed a review of a plan within five years of adoption provides the "fail-safe" should allocated development not come forward as anticipated. The approach proposed raised the question as to why have an adopted plan in the first place and would appear contrary to the clear statement in paragraph 15 of the NPPF that "the planning system should be genuinely plan-led". Moreover, the situation where LPAs must keep demonstrating that they have a 5-year supply at planning appeals is counter-productive, because it diverts scarce resources away from both plan-making and decision-taking, and enable the focus on ensuring that development is of a high quality, in the right place and supported by necessary infrastructure.

In addition, the term 'Deliverable' is far too high a bar and overly onerous a 'test.'

There is also an unintended possibility of slowing delivery, in order to not oversupply in one year if that oversupply cannot be carried forward to another year.

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

No

Please explain your answer:

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

No

Please explain your answer:

EFDC's adopted Local Plan allocated more sites than was needed to meet the identified housing requirement in order to reflect the fact that not all allocated sites will be developed in due course. This also provided for choice and competition in the market. Furthermore, our Local Plan housing trajectory used information provided by developers/land promoters of strategic sites, on the timescales for building out a site, the timescales for delivery of critical infrastructure and legal considerations such as the timescales for a site becoming available because of leases on land and buildings. The continuation of an approach that suggests that buffers should be provided by bringing forward sites from later in the plan period is inappropriate and does not reflect reality.

Furthermore, there is no clear case made for a 5% buffer and this will likely complicate planning as authorities will have to attempt to adjust their plans so that their targets include the 5% buffer. In practice, competent LPAs work out their own Buffer % dependent on the particular characteristics of that LPA and the allocated sites.

LPAs should not be penalised if some sites come forward more quickly than expected.

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

Not Answered

Please explain your answer if you believe a different % buffer should be used:

N/A

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

Not Answered

Please explain your answer:

No comment

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

Yes

Please explain your answer:

Epping Forest District is part of the North Essex Councils group, and with the wider EPOA (Essex Planning Officers Association) and is part of a group of local authorities working together to identify growth opportunities and infrastructure requirements to assist the Government in achieving the delivery of new homes in a sensible, strategic and coordinated manner. In addition, Epping Forest District has a continued working relationship with four other authorities (two district and two County) to deliver the Harlow and Gilston Garden Town.

It is strongly recommended that Government prioritises and enters into long-term funding arrangements to fund and support a coordinated programme of infrastructure delivery and for it to be a simple and flexible arrangement that can adjust to changing circumstances whilst aiming to keep our overall programme of growth on schedule. The provision of necessary infrastructure alongside new development is key to supporting sustainable development and it is critical that financial support is provided to ensure that this is achieved.

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

No

Please explain your answer:

Putting further requirements of evidencing deliverability of such necessary, long-term sites and infrastructure imposes additional restrictions and constraints and would result in a further drain on resource.

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

Please provide any other suggestions relating to the proposals in this chapter. :

No

Chapter 4 – A new Standard Method for assessing housing needs

15 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?

No

Please explain your answer:

It is recognised that a consistent approach to establishing the Housing Need of an area can be helpful in providing a baseline to use when testing the capacity of an area to accommodate new homes. However, it is important to ensure that any approach enables councils to have a meaningful conversation with local communities based on a clear understanding of the people who will need new homes in the future and what this then means in terms of the number and type of new homes needed. We would question how moving to this type of approach would support that understanding as the stock-based approach does not relate to housing need.

We would also comment that such methods can identify levels of housing need that in practice cannot be met when taking into account local constraints. For example, the level of development that can be accommodated within Epping Forest District is impacted by, amongst other things, the likely significant effect that new development would have on the integrity of the Epping Forest Special Area of Conservation (EFSAC). Whilst protected habitats are included in Footnote 7 to the NPPF this is not reflected in such methodologies. This was the subject of significant debate during the Examination of our Local Plan which was adopted in 2023. We would also point out that the Council was unable to grant planning permissions for several years as a result of EFSAC considerations which has had an impact on our Housing Delivery Test (HDT) results. However, there is no mechanism for this to be reflected in the results. Notwithstanding this, the HDT is a reflection of the state of the housing market and the decisions of developers rather than a council's performance and so should not be continued to be used.

Also, this method suggested is too simplistic and does not take into consideration demographics, topography, economic factors and type of work, protected areas etc. It could have consequences for over densification leading to poor quality of life on housing estates with adverse effects on mental wellbeing.

16 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?

No

Please explain your answer:

The use of any affordability factor appears to be based on the assumption that there is a relationship between housing supply and house prices. The use of an affordability factor in any shape or form to determine the baseline 'housing need' for an area does not reflect the fact that there are wider economic factors at play in terms of the affordability of new homes. These factors also influence whether a developer will or will not submit a planning application

or build out when there is a permission in place. There are also concerns as to how often the baseline for any Standard Method will be changed. Local planning authorities need certainty. Continual changes can impact on the assumptions used in various components of a local plan's evidence base. The continual need to respond to changes in the baseline can result in delays in plan-making and places a significant cost burden on local authorities.

Additional Councillor comments: The baseline target should aim to bring supply and demand into balance over time based on expected demand (i.e. population growth). Adding the median earnings ratio is going to bring in elements that are outside of anyone's control such as the rate of consumer inflation, rate of earnings growth, banks propensity to lend and other factors affecting the ratio of house price to median earnings.

In addition, this ratio is irrelevant to rental properties where the relevant ratio would be median earnings to median rental costs.

The new method proposed is likely to concentrate growth in the SE at the expense of the North. This is too simplistic as it does not take into account that people, especially youngsters, have to move to London and the SE because of the lack of jobs near their homes in the North and the lack of connectivity between West and East in the north.

Land prices, building costs (including labour costs) are cheaper outside London and the SE, which also skews and affects affordability. Incentives for commerce/jobs in the more depressed areas would enable homes to be built in the right places.

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

No

Please explain your answer:

See answer to question 16.

18 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?

No

Please explain your answer:

It is difficult to see how such an approach could be incorporated into any Standard Method. Whilst there are real concerns about the cost of renting in the private sector this is as a result of economic factors within that market which the planning system cannot influence and which are not related to the supply of stock. This needs to be addressed through other mechanisms available to Government.

The total Rental Stock is being reduced (at least by the small time Landlord) due to Govt policies of increased taxes and removal of incentives for Landlords (as opposed the Companies). The additional requirements for higher EPCs and the new Rental Reform Act are also leading to more Landlords selling up as widely reported.

Planning policies are unlikely to change this, but tax allowances could.

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

Please provide any additional comments on the proposed method for assessing housing needs.:

No.

Chapter 5 – Brownfield, grey belt and the Green Belt

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

Yes

Please explain your answer:

No objection to this, since it aligns with the current guidance for the Brownfield Register.

21 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?

Yes

Please explain your answer:

The change would simplify the assessment and would enable more opportunity to redevelop PDL in the Green Belt over the existing.

22 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?

Please provide any further views:

We would raise serious concerns about the expansion of the definition of PDL to include hardstanding and glasshouses. The reasons being two-fold:

1. The expansion of the definition, and in particular the inclusion of glasshouses, would have a devastating effect on food production. The existing food production industry is already struggling and glasshouse sites would be far more valuable as a site for redevelopment. Therefore, it is likely that several existing, viable glasshouse sites would nonetheless be redeveloped for housing/alternative uses, to the detriment of general UK food production. This is particularly relevant for Districts such as ours where we have well-established glasshouse areas (such as the Lea Valley Glasshouse industry) that are vital and should be protected. However, being a largely Green Belt district with high land value it is inevitable that such a change would lead to the widescale loss of this industry.

2. Both of these types of development can currently be installed as 'agricultural development' and as such are not inappropriate development in the Green Belt. The inclusion of these as PDL could result in significant Green Belt abuse through the provision of such works with the intention to then redevelop the site. It is highly likely that we would experience 'leapfrog' development on such sites, whereby existing glasshouse areas would be redeveloped, followed by applications for 'not inappropriate' glasshouses to replace those that have been lost, for them to then be redeveloped (etc. etc.).

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

No

Please explain your answer:

It is felt that restriction on what constitutes 'grey belt' land is necessary. It is suggested that reference is made to the 'the best and most versatile agricultural land' being noted as Grade 1 – 3a and included within the definition in order to protect this. As per the answer to the above, it is also considered that clarity should be included about existing glasshouse sites. Without this there could be proposals for redevelopment of part of a wider glasshouse site as it 'contains substantial built development' and/or 'is fully enclosed by built form', albeit this built form may only be glasshouses. Such scenarios could result in 'pockets' of development within large horticultural sites, which would not only result in poor forms of development, but also would put pressure on the cessation of the surrounding glasshouse sites.

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

Yes

Please explain your answer:

Careful consideration on what constitutes PDL in order to avoid Green Belt abuse.

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

Yes and it should be contained within the NPPF

Please explain your answer:

Clear guidance on identifying land and the measures of the contributions it makes would be helpful to both local authorities and developers/landowners, in both the NPPF as Footnotes, and PPG notes.

26 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?

Yes

Please explain your answer:

This guidance makes a good start to this, but further clarity is necessary.

27 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?

No

Please explain your answer:

28 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?

Yes

Please explain your answer:

If the notion of grey belt land is to be introduced, then it is essential to clearly lay out a sequential approach to development and to recognise that not all brownfield and grey belt sites will be located in sustainable development locations and in such cases it wouldn't be appropriate for them to be released for housing development.

29 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

Please explain your answer:

The fundamental aim of the Green Belt must be protected and its longevity ensured.

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

Yes

If not, what changes would you recommend?:

Theoretically. However, confirmation is needed on the implications of this. As part of our recently adopted (March 2023) Local Plan a number of Green Belt sites were released from the Green Belt. Does new para. 155 retrospectively apply to these sites, since this now sets a higher bar for developers than the existing situation (and the viability work undertaken for the adoption of the Local Plan)?

31 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?

Yes

Please explain your answer:

Further clarity is required on this in terms of what would trigger such development being classed as 'important' and what the expectation would be for such developments.

32 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?

Yes

Please explain your answer:

Traveller sites should be treated no differently from any other housing need.

33 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?

Yes

Please explain your answer:

Given the significantly smaller demand for traveller sites, a lack of a five-year land supply should not trigger an entire Green Belt review, however they should be treated in the same way as general housing need when assessing development on grey belt.

It should also be recognised that it can be extremely challenging to determine need on traveller sites due to the general lack of engagement from the traveller community.

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

Yes

Please explain your answer:

Agree, and it is important that this aligns or underpinned by an objectively assessed need for the location and it is important the method used is clear, transparent and appropriate. This will ensure accuracy and reliability, therefore, enables the local planning authorities to apply the mix and sizes.

35 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?

The Government or local planning authorities should be able to set lower targets in low land value areas

Please explain your answer:

Although this sounds appealing, it is prescriptive.

Local authorities should be able to determine the applicable target further to a strategic viability analysis that test local policies and may take into consideration, things such as contamination, remediation, costs and other things specific to areas and may affect viability, therefore delivery.

In view of the above, local planning authorities and not the government should be able set targets including lower ones as relevant in their areas.

It is also useful to note that grant allocation is not available for S106 delivery, which are mostly delivered by registered providers. With a tenure mix including social rent and in high value areas, the delivery of these most affordable housing units become prohibitive, therefore, not delivered. It is necessary that the government reviews its grant allocation process, the allocated amount to the different tenures, thus enable the delivery of more affordable housing.

It is however considered that ad hoc development on Green Belt/grey belt sites should be subject to a higher percentage of affordable housing requirement.

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

Yes

Please explain your answer:

37 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

Please explain your answer:

This provides a framework which gives clarity and sets expectation. This should prevent the escalation of "hope value" and potentially increased land cost.

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

Please explain your answer:

Using the existing use value for the land should be the starting point and the government should use this in its option B to provide its parameters. This parameter should be based on the value of agricultural land to provide consistency; however the difficulty may be determining the premium payable to the landowners; perhaps that should be left to the local authorities further to their analysis and factors prevailing in their areas.

39 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?

Yes

Please explain your answer:

Agree. The driver should be to achieve a policy compliant scheme and once prices are above the benchmark land value, it produces an expectation that a policy compliant scheme is achievable and deliverable.

40 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?

Please explain your views on this approach:

Once the affordable housing policy is achieved, including the required tenure split and housing mix, no further affordable housing contribution should be sought.

To adopt this position, it is critically important that the local authority has carried its strategic analysis on sites to ensure it doesn't lose out.

41 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

Please explain your answer, including what support you consider local authorities would require to use late-stage viability reviews effectively:

Agree, it is vitally important that a late stage viability review is applied to non-compliant schemes. It allows local authorities to review development sites before completion and where possible clawback contributions are used to deliver more affordable housing or other local priorities in local areas where the need is acute. Our recently adopted Local Plan supports this.

42 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?

No

Please explain your answer:

However clarity is necessary on this matter.

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

Yes

Please explain your answer:

It must not undermine relatively newly adopted Local Plans which have released Green Belt, so that those LP policies can be upheld and developer viability assessments that are being conducted or have been concluded.

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

Yes

Please explain your answer:

It is considered that tighter restrictions should be placed on viability and clear guidance on the need for policy compliance. However, Part (3) is not sufficiently clearly worded to avoid disputes.

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

Yes

Please explain your answer:

Not sure practically how well this would work but accept that this may in part help to address some of the issues around viability.

Agree with old no. Para 31. Para 32 (now 35) needs more clarity re unsustainability appraisals and adverse impacts. The emphasis should be on alternative options and only in exceptional cases with suitable mitigation or compensation because new developments are permanent with lasting effects on the neighbourhoods.

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

No

Please explain your answer:

Chapter 6 – Delivering affordable, well-designed homes and places

47 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

Please explain your answer:

Particularly in high value area, affordable rent is not affordable to those in the lower quartile income and in some cases in the median quartile. It then becomes crucial it should be considered in the need assessments, be part of a broader affordable housing policies and given priority to.

However, there are significant viability constraints in delivering social rent and as mentioned in Question 35, there is no grant funding for S106 developments often delivered by registered providers. In view of the viability concerns and other rising costs, these homes are often not delivered.

Further, with land led developments; these providers and local authorities have also raised concerns that grant allocation is not sufficient to deliver social rent units.

For the delivery of these much needed tenure, it becomes necessary for the government to support their delivery through allocation of grant to S106 developments and a review of the grant allocation to mitigate the viability concerns and delivery of these homes.

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

Yes

Please explain your answer:

This should be set locally and in accordance with need. However, the danger is that some LPAs won't reach 10% unless there is some figure.

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

Yes

Please explain your answer:

It should be set locally and in accordance with need. If retained it may have the effect of cannibalising the affordable rent / social rent tenures.

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

Yes

Please provide any further comments:

First Homes should be retained as an affordable housing option for homeownership; however it should be dependent on evidenced need.

Further, First Homes as a tenure is not dependant on delivery by registered providers and can be delivered by the developers. However, the administrative burden on local authorities including creating processes is significant and the government should consider some financial support to cover administrative burdens in mitigating this impact.

Also, delivering First Homes through exception sites; although useful and necessary, there is a recognition that the cost of land will be driven by the "hope value", thus increasing the price of land for delivering these homes and landowners are more likely to sell to developers, hence reducing the mix provided by rural exception sites.

In moderating these impacts, perhaps local planning authorities should designate First Homes exception sites in rural areas where the need is greater but requiring other tenures to be included in the development, thus creating a sustainable community.

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

Yes

Please explain your answer:

We agree with the need for diverse and balanced communities through the co-location of different types and tenures of housing and housing designed for specific groups of people.

However, the government policy when introduced should be advisory and not prescriptive since that may be burdensome and complicated for local planning authorities to interpret and deliver.

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

Please explain your answer:

Affordable housing is critically important to those who cannot rent or buy in the open market; successive governments and local planning authorities through strategic viability assessments have determined the targets. However, the markets have sometimes not been able to deliver the full quantum of affordable housing required due to viability constraints. This is more glaring with the delivery of social rent units. To promote a high percentage of these tenures it is important that the government reviews its non-funding of S106 developments. This lack of funding in these difficult economic times discourages registered providers and local authorities to deliver this much needed tenure.

For the affordable rent tenure, the allocated funding is not always sufficient particularly in high value areas.

For completeness, adequate funding, clear and concise Local plans and the flexibility by local planning authorities to use the evidence need data to determine where affordable housing is acutely needed but still recognise the need for a sustainable, mix and balanced communities.

53 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?

Please explain your answer:

All developments where appropriate should be mixed tenure, including sizes and sustainable.

It is critical that local planning authorities through their masterplanning exercises; including engagement with various stakeholders and the communities and taking into consideration the locations, its environment and the build forms; design out problems and agree what is suitable for the community.

Additional Councillor comments - There may be a minimum size to accommodate housing mix requirements in both market and affordable categories. Infrastructure needs to be in place first for affordable.

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

Please explain your answer:

To support and prioritise affordable housing on sites for suitable developments or financial contributions for all developments to be used for affordable housing where necessary.

Community Land Trusts (CLTs) and Almshouses should be supported.

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

Yes

Please explain your answer:

56 Do you agree with these changes?

Yes

Please explain your answer:

There is a value to alternative housing delivery models to provide mixed and balanced and sustainable communities and we support stronger policy to advocate for this.

Community led housing can be very complicated and daunting and it may be necessary to have some requirements or guidance for these groups to show that they have the necessary skills to embark on such projects; understand the risks, legal and financial implications to deliver these projects also protect future residents.

Community led housing shouldn't be prohibitively difficult to permit.

57 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?

Yes

If Yes, what changes would you recommend?:

It should, however it is important that those affordable housing stay affordable in perpetuity. It is also important that there is clarity in the definition.

Most importantly, the non-registered providers should be regulated by some statutory body, to ensure those homes conform to building and government regulations and residents are also protected.

58 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?

Yes

Please explain your answer :

Possibly upfront costs required are difficult with tight cash flows for small firms, and the numerous required and costly up front reports even if not necessarily applicable. There could be some relaxation for small firms or the use of LPA reports used in some of the site selection processes where these go far enough.

59 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

Please explain your answer:

Agree with the proposed removal of the words 'beauty' and 'beautiful' and consider that the words 'well-designed' and 'attractive' sufficiently cover expectations when read alongside supporting guidance (National Design Guide and National Model Design Code).

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

Yes

Please explain your answer:

However need to retain the words 'consistent with prevailing HEIGHT and...' to ensure that rural areas are not urbanised and the buildings are not out of character with their surroundings.

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

Yes

Please explain your answer:

See above and Ch 11 Effective Use of Land old Para 124(c). It is dangerous to support 'despoiled and derelict land' being given substantial weight in this context without safeguarding against deliberate despoiling and leaving derelict.

Chapter 7 – Building infrastructure to grow the economy

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

Yes

Please explain your answer:

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

Yes

Please explain your answer:

Given the proposed increased level of housing provision, transport, utilities, healthcare and education provision are among the key areas of strategic infrastructure that will require substantial investment in order for the growth ambition to be realised – not only for housing but for the economic and employment growth, private inward investment and regeneration that many communities need.

Road infrastructure to improve capacity and safety relating to increases due to new estates is not sufficiently robust to insist developers fund such improvements proportionately, including relating to expected final traffic movements from accumulative effects of nearby developments.

Similarly with surface water drainage, whereby off-site additional flooding is not always accurately accounted and mitigated for.

Similarly, community facilities e.g. play areas are often left off at the end, which is unacceptable.

64 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?

Yes

Please explain your answer:

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

Not Answered

If Yes, what would be an appropriate scale? :

No comment.

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

No

Please explain your answer:

Chapter 8 – Delivering community needs

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

Yes

Please explain your answer:

This should be agreed before an application is submitted.

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

Yes

Please explain your answer:

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

Yes

Please explain your answer:

However, clarity is needed on how a 'vision led approach' would work in practice. Nonetheless, would welcome an improvement on the current system.

Also need to ensure that new developments and infrastructure projects suitably integrate and benefit existing infrastructure and communities.

In 115 'in all tested scenarios' needs explaining. This is especially important relating to highway safety.

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

Please explain your answer:

Further guidance and restrictions on takeaway exclusion zones, particularly within close proximity to schools, could assist. Also, greater promotion of Health Impact Assessments within the NPPF.

There should be more support for 20 min neighbourhoods where community facilities are within walking distance e.g. schools, shops GP etc. (and preferably workplaces) to encourage local journeys by foot.

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

No

Please explain your answer:

Chapter 9 – Supporting green energy and the environment

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

Yes

Please explain your answer:

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

Yes

Please explain your answer:

Only if there is protection in place to ensure that this does not come at the cost of the best and most versatile agricultural land, classed as 1-3a Agricultural Land.

74 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

Please explain your answer:

Yes or there is no justification to stop peat based compost.

75 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?

Yes

Please explain your answer:

Agree with Govt reasoning relating to increased efficiency of such projects and to stop future projects underachieving to save being included in NSIP. However, it must be acknowledged that even smaller scale renewable energy schemes can have national significance (particularly when considered collaboratively) and rely on there being network capacity.

76 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?

Yes

Please explain your answer:

Agree with Govt reasoning relating to increased efficiency of such projects and to stop future projects underachieving to save being included in NSIP. However, it must be acknowledged that even smaller scale renewable energy schemes can have national significance (particularly when considered collaboratively) and rely on there being network capacity.

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

Please explain your answer:

No comment

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

Please explain your answer:

- Requirement for carbon accounting of local plans to demonstrate emissions reductions in line with the Climate Change Act.
- Requirements and expectations for local plans to achieve specific climate adaptation targets and transition to net zero by 2050.
- Include reference to reducing carbon emissions and supporting climate adaptation in the definitions of the test of soundness and sustainable development.
- Enable local authorities to set more ambitious targets with the NPPF as the minimum requirement, a start would be withdrawing the WMS published on 13th Dec 2023.
- Reform of the viability process with net zero as a baseline requirement when determining the viability of a plan or project.
- Testing of local plans and decisions against a framework of adaptation and resilience measures that are incorporated into the NPPF, with clear parameters set within the PPG so that performance can be measured against defined targets.
- A definition of net zero buildings should be incorporated into the PPG. The UK Net Zero Carbon Buildings Standard should be approved to be used where appropriate.
- Stronger Planning Practice Guidance to support local authorities with plan making for climate adaptation and mitigation is required in specific policy areas, including Sustainability appraisal; Embodied carbon; Operational emissions; On-site renewables; Resource efficiency; Allocation of land for adaptation measures; Housing typologies and net zero requirements; Onshore wind (inc. demonstrating community support); Food production and farming; Battery storage; and Local Area Energy Plans.
- Other nationally prescribed methodologies that inform and influence local planning need to be updated to properly account for (and prioritise) climate change considerations, so that external agencies are not undermining local efforts to drive climate focused plans. This includes transport modelling approaches and guidance to enable transport decarbonisation.
- Embed policy support and enablers for retrofit into the NPPF and permitted development rights.

Think policy should be clearer on the need for an integrated multi-modal transport approach. What happens now is that within new developments green modes of transport are encouraged and enabled. Once outside the development cyclists and pedestrians face significant barriers and often compete directly with motorists. Increases in KSI stats in Essex speak to the need for more investment in this area.

However, there are concerns that imposing onerous and expensive requirements could deem many sites unviable, which would have the effect of not meeting targets and being hostage to passing unsuitable out of character developments

Fluvial and Pluvial surface water flood risks need more accurate and robust calculations for SuDS etc. and regularly updated by LLFAs and there should be no building in flood risk areas. The exception tests in para 169/170/170 should be more stringent.

In Rural areas, economically viable public transport to meet their needs is not feasible. These areas will continue to have the need for private vehicles whether phased in the future to electric or hydrogen powered. Therefore, highways and parking provision must be fully met. Any reduction in national minimum parking standards will cause indiscriminate parking and car dominated streets.

79 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?

Please explain your answer:

Some local authorities already have tools that can produce accurate carbon accounts for plan making and planning decisions. But this will need to be standardised across local authorities, which could be challenging.

However, the technological readiness and tools for accurate carbon accounting are still in its infancy. A recognised standard nationally/internationally is some way off (including agreement amongst scientists) so should not be considered as part of NPPF but could be much more demanding on land use.

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

Yes

Please explain your answer:

See comments above (Q78). More robust calculations need to be made for surface water management and further restrictions of where is suitable for building new homes and commercial premises.

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

Yes

Please explain your answer:

Needs to protection for future homeowners enabling liability claims to unscrupulous developers who did incorrect surface water calculations or took short cuts.

Should insist on street trees and additional shrubs etc. for a variety of reasons relating to climate change such as: help with effective soil drainage and shading (protection from heat).

Needs to be improvements to water infrastructure network – see Q84 response.

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

No

Please explain your answer:

Disagree with the removal of footnote as it weakens the importance of food production in Britain. Also, no 'considered alongside' but as paramount importance.

It is considered important to protect food production and ensure that the best and most versatile agricultural land is retained and protected.

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

Yes

Please explain your answer:

The suggested changes to the definition of PDL and proposed introduction of 'grey belt' runs the risk of significantly undermining and harming food production within the country. Please see answer to question 22.

Agricultural Land Classified as grades 1-3a should be protected from all development unrelated to food production (including solar farms), including near cities because the proximity to markets is good for the carbon footprint.

84 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

Please explain your answer:

More reservoirs are needed (including diverting flood waters to reservoirs) and pipelines and canals from areas of higher rainfall to those with less rainfall (SE England) and to cities e.g. Elan valley serving Birmingham. The London Artesian basin needs water to be diverted there to serve London.

Some govt funding and private investment will be needed with directives to Water Companies.

85 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

Please explain your answer:

There needs to be a national programme to replace aging lead pipes carrying water supplies from the Victorian era with copper and plastic pipes.

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

No

Please explain your answer:

Chapter 10 – Changes to local plan intervention criteria

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

Yes

Please explain your answer:

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

Yes

Please explain your answer:

It is considered that some certainty is provided in terms of when intervention may occur.

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

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

Yes

Please explain your answer:

Householder fees rarely cover the cost of processing these, and even with increased efficiencies with determination LPAs run at a loss with these.

90 If you answered No to question 89, 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.

Not Answered

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

It should be at a minimum £528. If the other fees do not increase then the highest it could go is £578, since otherwise it would be cheaper in terms of planning fees to replace the entire house than extend it. However, if this coincides with a general increase, then the fee could be increased more.

91 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?

No – it should be higher than £528

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

No, it should be higher than £528 for cost recovery.

Whilst costs should be kept lower since the majority of householder applications are made by non-professional homeowners, when considered against the overall costs of extensions (including professional costs, build costs, labour costs, etc.) £528 is very low.

92 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.

Yes

Please explain your answer:

Applications for large and/or multiple extensions that significantly extend and change a property can involve significant work, public consultation, etc. and can often be just as if not more contentious than small scale minor applications.

Alternatively, a sliding scale of fees could be applied to householder applications rather than a single flat fee, since the work involved and overall cost of significant extension(s) to a dwelling can be significant compared to a minor application that is marginally over PD (i.e. a small single storey extension or modest outbuilding).

93 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.

Yes

Please explain your reasons and provide evidence on what you consider the correct fee should be:

Listed Building applications and works to TPO trees should carry a fee, even if it is relatively nominal since a lot of time and resource is spent on dealing with these.

Costs to chase up non-compliance of conditions.

94 Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?

Yes

Please explain your answer:

Whilst an increase in the fees is definitely required, this could be set as a minimum. Local Authorities are best placed to determine what their individual cost recovery would be and should be able to set the fees accordingly, within justified reason.

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

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

Please give your reasons in the text box below:

It is useful to have a national 'baseline' fee with justification being provided for local authorities to increase this.

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

Yes

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? :

Given the overall issues with Local Councils resourcing, with several Councils even going 'bankrupt' there is logic to increasing fees to cover other functions of planning services that are not otherwise resourced.

The fee increase could apply only to larger scale Developments (i.e. over 50 units) so as not to be too costly for small firms SMEs who are already suffering.

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

Please explain your answer:

An improved service to the community could be provided through funding towards planning enforcement, protection of trees, and/or more investment in conservation areas.

98 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

99 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.

Please explain your answer:

It would be simpler to adjust PPA agreements to incorporate fees rather than introducing waivers for these.

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

Please explain your answer:

No comments.

101 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.

Please explain your answer :

LPAs have limited finances. Complex Developments and the sheer volume of Reports that are now required and need to be considered for each application has increased significantly, even for extensions. This has added to the already heavy workloads of Planning Officers, and therefore cost of servicing a planning application.

Planning Officers are also under pressure to make decisions or recommendations for approval in a relatively short period of time. In turn this has adverse effects on the general morale of Officers and the ability for LPAs to retain good staff.

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

No

Please explain your answer.:

Chapter 12 – The future of planning policy and plan making

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

No

Please explain your answer:

There needs to be some sensible transitional arrangements put in place - firstly to allow Councils to move smoothly from existing to new targets without fear of speculative development, planning by appeal and the huge damage it does to the effective use of limited public resources, the resulting poor quality planning outcomes and the almost irreparable negative impact on public confidence in our planning system.

As well as transitional arrangements, there should be immunity from the need to demonstrate an ongoing 5-year supply of housing land and/or the tilted balance to the presumption of sustainable development for authorities that have a recently adopted Local Plan and/or those that can evidence that they are working together to plan for housing, employment and infrastructure in a sensible, strategic and sustainable way to help achieve the Government's ambitions for growth.

Without such provisions and the breathing space to progress a strategy within sensible timescales, there would be a significant drain on resource that would be counter-productive to meeting the aims of the Government in delivering good quality homes and economic growth.

104 Do you agree with the proposed transitional arrangements?

Not Answered

Please explain your answer:

Not applicable.

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

Yes

Please explain your answer:

It is suggested that if immunity to demonstrate a 5-year land supply is not given as per the above, then a transitional arrangement should be put in place that an authority that has had a Local Plan adopted within the last 5 years can rely on the agreed housing needs figures when calculating their 5-year land supply rather than the new Standard Method figures.

Chapter 13 – Public Sector Equality Duty

106 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?

Please explain your answer:

No comments.

Chapter 14 – Table of questions

Chapter 15 – About this consultation