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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

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Organisation:
West Lancashire Borough 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?

Yes

Please explain your answer:

Local Planning Authorities should use the standard methodology to assess their housing needs however the proposed standard methodology is baseless and produces unrealistically high and unachievable housing requirements.

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:

No objection to the proposed wording to (now) paragraph 61, however the proposed changes to (now) paragraph 62 ignores the fact that market signals play an important part in establishing a deliverable and achievable housing needs target for an area. The proposed standard methodology figure for West Lancashire Borough Council is not deliverable on a consistent basis: the demand for housing at that scale does not exist.

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

Yes

Please explain your answer:

The uplift was not fit-for-purpose. Whilst it sought to meet housing needs where people aspired to live too many authorities were seeking cross-boundary redistribution agreements to accommodate this need which undermined the drive for urban renewal and pushed housing need to the outer city / urban fringe local planning authorities.

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

Yes

Please explain your answer:

The December 2023 changes to paragraph 130 had addressed issues around the character and density of new developments, potentially relaxing requirements to increase housing numbers. Reversing these changes suggests a desire to reinforce the importance of character and density in new developments, ensuring that new housing fits its existing context and does not lead to 'over development'. The change may ensure higher quality developments respecting local character but may limit the ability to achieve the higher densities often needed in urban settings. The deletion of paragraph 130 should only proceed if it aligns with broader strategic goals and if alternative measures are in place to ensure sustainable development without compromising character.

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?

Yes

Please explain your answer:

Shifting the focus of design codes to support spatial visions in Local Plans could help ensure that development aligns with broader strategic objectives, such as increasing density in appropriate locations. This approach could lead to more coherent and planning development patterns, notably, in areas designated for significant change or new communities. Overall, this is a logical step, especially in areas of higher density and for those settings accommodating large-scale developments. It should also assist in promoting higher standards of design and sustainability.

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

Yes

Please explain your answer:

Yes, this provides clarity. The section on Green Belt needs re-wording however.

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?

Yes

Please explain your answer:

Yes, agree that five year housing land supplies should be used as a measure of planning performance and delivery, however local authorities that have their local housing need requirements increased by greater than 50% should not be subject to the requirements of the five year housing land supply because historic planning decisions have been made against lower Local Plan requirements. Local authorities who have been delivering the growth identified in their Local Plans should not be punished by an arbitrary housing requirement which can change at any given moment.

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:

Local authorities should not be punished for historic over-supply of housing by not being permitted to use it to offset future housing requirements. That level of growth has often come about as a result of overturned planning appeals or housebuilders controlling the pace of development coming to the market; local authorities should not be punished for this.

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?

Yes

Please explain your answer:

Yes, agree with a mandatory 5% buffer for all authorities. This ensures that there is flexibility in case some sites do not deliver as anticipated.

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

Yes (5% is an appropriate buffer)

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

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

Yes

Please explain your answer:

Yes, they are ineffective.

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:

Effective co-operation on strategic planning matters is fundamental to the delivery of co-ordinated sustainable development, including the delivery of growth and the protection and enhancement of the natural environment. The duty to co-operate, whilst possessing inherent imperfections, must remain as an interim measure until the national approach to strategic planning is overhauled. As recognised by proposed new NPPF paragraph 28, plans come forward at different times, which creates uncertainty in planning in a strategic, holistic and co-ordinated manner. This is particularly the case in meeting unmet development needs, as referred to at proposed new paragraph 27 criterion b i.e. how an authority meet unmet development needs in a draft local plan if an adjoining authority has not progressed plan making sufficiently to establish if it can meet development needs within its own area.

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

No

Please explain your answer:

There is no need to amend the tests of soundness in order to assess strategic scale plans or proposals. The existing tests of soundness (positively prepared, justified, effective and consistent with national policy) along with accordance with legal and procedural requirements provide an entirely adequate framework to consider the soundness of plans and proposals, including those of a strategic scale. Both the 'positively prepared' and 'effective' criteria in particular refer to cross boundary and strategic matters at NPPF paragraph 35 (proposed new paragraph 36). Furthermore, as we understand, both the adopted Greater London and Greater Manchester Places for Everyone Plans, as complex strategic level planning policy documents, were successfully examined by using the current tests of soundness.

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. :

The Council's response to question 12 welcomes the retention of the duty to co-operate as an interim measure, along with proposed text changes to the NPPF at paragraph 24 and new paragraphs 27 and 28. This response also refers to a need for the national approach to strategic planning to be overhauled in the medium term. Fundamental reasons for the lack of progress in plan making nationally compared to the past need to be recognised and include: constant uncertainty and moving of goalposts nationally relating to the framework for plan making; the significant loss of experienced staff and associated understaffing in local authorities; and the dismantling of effective mechanisms in relation to strategic planning.

In relation to the latter, the revocation of county Structure Plans in particular and also of Regional Spatial Strategies (RSS), both of which considered development needs in a strategic, joined up and holistic manner, has been fundamental in undermining strategic planning. Historically, it was significantly more efficient and co-ordinated to establish strategic development needs at a single examination of the Structure Plan or RSS than the current situation of having multiple examinations of borough local plans, taking place at different times but ultimately seeking to achieve the same outcome.

However, the proposals put forward at chapter 3, paragraphs 24 to 29 of the consultation document contain minimal details to address the current difficulties in planning strategically and require much greater thought. They appear to place Spatial Development Strategies (SDSs) at the heart of strategic planning but this would appear to disadvantage those areas, such as rural counties, that fall outside City Regions and where SDSs are not being produced. There is no clarity in relation to what arrangements will be used outside mayoral areas, which will disadvantage lower tier "district" authorities in county areas and also create potential inconsistency i.e. the use of functional economic areas will not reflect democratic arrangements for areas.

The interrelationship between economic and housing development needs, both at the strategic and local levels, also requires greater recognition i.e. having housing development needs as the primary objective for planning risks a disconnect with economic development needs, with less sustainable development being the outcome (new housing will not be located near jobs).

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?

Yes

Please explain your answer:

Yes, however vacant dwelling stock should not be counted in the baseline. This should be deducted because there are no households in those dwellings to facilitate an increase in the population.

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:

There should be mitigation for unusual circumstances such as the coronavirus pandemic. This is because in 2021 there is a clear spike in the ratio across the country, likely as a result of the spike in house prices during and following the Coronavirus pandemic and the stagnation in median wages due to economic instability. If the new standard method is introduced immediately, a two year period should be used, and then in the future revert back to a three year period.

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

No

Please explain your answer:

It is not clear where the 0.6% multiplier comes from. Increasing housing supply in an attempt to drive down house prices and therefore increase affordability does not work - house prices are inelastic - and there are insufficient ambitions in the proposed NPPF to drive economic growth and increase wages. Houses will continue to be built and sold at profit to housebuilders with no intention of reducing house prices to meet local needs.

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:

No, rental costs are controlled by the market and fluctuate greatly and are also affected by demands from non-residential occupants, such as students.

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.:

The proposed method represents an unrealistically high, undeliverable and unachievable housing need figure for West Lancashire Borough Council. The housing market does not have capacity to accommodate 600+ dwellings per year, either through supply or demand, and the associated infrastructure requirements will be unwieldy and local and national infrastructure providers will not be able to keep pace with the demand for infrastructure arising from such high levels of housing growth. In addition, there is no acknowledgement of the impact of the increased housing need figures on demand for jobs in the area and where those businesses will be located; this could lead to increased out-commuting placing further pressure on the local and regional road network and the environment. The proposed method does not take into account demographic need and the presence of households to occupy the new properties. The proposed method does not take into account nationally important agricultural land quality which is central to driving economic growth in the region and reducing associated food miles; the agricultural economy within the Borough is a national resource which must be protected at all costs and setting very high housing targets for the Borough will encourage landowners to disinvest in their land and sell it to house-builders for immediate profit. This is unsustainable and will have significantly adverse effects on the local economy and the villages that rely on the agricultural economy. The NPPF's focus on delivering housing is at the cost of other uses such as employment, food production, healthcare and town centres.

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:

The proposed change may encourage applications on brownfield land, although the majority of brownfield sites will fall within settlement boundaries where local policies already deem development to be acceptable in principle. Additional wording may be needed to ensure employment sites within settlement boundaries are protected from redevelopment to housing.

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?

No

Please explain your answer:

No, disagree. The current wording provides better support for the delivery of affordable housing in the Green Belt. Further, the definition of Grey Belt is too loose and open to interpretation in relation to making a limited contribution to the five Green Belt purposes.

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:

No disagree. Glasshouses are typically non-permanent or easily dismantable structures. Expanding the definition of PDL to include glasshouses would risk their loss for horticultural use and reduce our ability for food production for the benefit of the region and nation.

An assessment on the national need for horticultural glasshouses should be undertaken prior to any decision to include them within the definition of PDL.

Horticultural glasshouses are frequently in rural areas away from any settlements or services and therefore are in unsustainable locations and ones that cannot be made sustainable. We therefore have significant concerns about this proposal.

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

No

Please explain your answer:

No, disagree, Green Belt serves a necessary purpose in preventing urban sprawl and unsustainable expansion. The designation is not connected to the visual appeal of land, as commonly misunderstood, and the term Grey belt is also at risk of being misunderstood in the same way.

Rather than creating another confusing term, the NPPF could require a review of the Green Belt where LPAs are unable to sustainably accommodate their development needs in order to identify sustainable locations which make a limited contribution to the purposes of the Green Belt should be considered for allocation for development. This should not be addressed on a piecemeal basis through planning applications and appeals.

The proposed golden rules for Green Belt releases such as 50% affordable housing are generally supported but should not be dependent on viability as land value uplift in the Green Belt must cover these requirements and there should be no opportunity for landowners or developers to reduce this.

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:

Historic evidence of the condition and maintenance of land could be criteria required for Grey Belt. Measures such as penalties or land forfeiture could be considered as ways to disincentivise landowners from degrading high-performing Green Belt land.

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 PPG

Please explain your answer:

Additional guidance should be included in the Planning Practice Guidance (PPG) so that it can be updated appropriately over time.

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:

More details required on how 'fully enclosed' should be interpreted.

Criterion b)iii adds terms such as 'urban land uses' and 'physical developments' which are not defined.

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:

LNRS should be identifying any areas of land that could be enhanced for ecological reasons, not just Green Belt.

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:

A sequential approach to the release of land is supported, although this is not dissimilar to the current approach already taken by LPAs.

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:

Yes, although the statement is wide-reaching and should be provided with more clarity. Individual parcels often don't meet all five tests and if assessed and released in isolation, would comply with this proposed rule, however the cumulative effect of releasing several sites from the Green Belt should be considered.

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

No

If not, what changes would you recommend?:

Green Belt should only be released for otherwise inappropriate development through a formal review by the LPA. The proposed threshold for where development on the Green Belt will not be considered inappropriate should be lowered. This could be for example where the proposed 5-year housing land supply is under 2.5 years or is delivering less than 30% against the Housing Delivery Test.

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:

Disagree with this proposal in principle.

A metric for commercial and other uses similar to the metric triggers for housing would be difficult to create and project, especially on a national scale.

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:

Yes, agree that the same principles (if enacted) should apply to traveller sites. Treating them differently does not demonstrate a commitment to fairness and equality.

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?

No

Please explain your answer:

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

Yes

Please explain your answer:

Yes, agree that the LPA should decide the affordable housing tenure split to be delivered on a Green Belt sites.

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 50% target should apply to all Green Belt areas (including previously developed land in the Green Belt

Please explain your answer:

Yes, agree with setting a 50 per cent target so long as this does not affect the deliverability of other key infrastructure associated with the development such as CIL or education or healthcare contributions.

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:

Agree with requirement for new residents to be able to access to quality green space to ensure public benefit. However, the requirement needs clear detail about the criteria of size, proximity, capacity, quality and type of green space that must be provided in a Green Belt development scheme. According to the recent published official statistics relating to access to green space in England, the evidence highlights that the definition of 'accessible' and 'green space' will significantly impact to the assess whether a development scheme could deliver access to good quality green spaces and nature. Thus, the definition of green space, accessibility is key to setting out the assessment criteria. Natural England's Green Infrastructure Framework sets out the Accessible Greenspace Standards distinguish the recommended level for major new development and area wide application, however it is not clear for development on release of 'grey belt' land. Furthermore, as one of the compensate measures, it is important to distinguish development on 'grey belt' land from the recommended level as sets out by Natural England. Issues relating to funding for creating new or improvement to existing green space, management and maintenance of the provision under the requirement c) of the 'golden rules' needs further consideration when assessing financial viability for housing development schemes. Apart from applying golden rules to major development on land released from Green Belt, it is also needed to consider the potential cumulative effect from multiple small site developments in Green Belt to achieve long-term sustainability.

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:

Yes, using nationally available land transaction data, the government should set benchmark values for different land uses and types in each local authority and publish this data.

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

Please explain your answer:

No particular views but this should be evidence-based.

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?

No

Please explain your answer:

No views, in agreement.

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:

No views on seeking additional affordable housing above that required by national policy. There is the risk of delivering excessive quantities of affordable housing that results in buyers at the lower end of the private market struggling to purchase a home because developers are building larger market dwellings to make their schemes more viable. Additional developer contributions could be sought but there is the risk of delaying development and discouraging developers from coming forward with viable developments if they know that the Council will subsequently ask for greater developer contributions after knowing that their schemes are viable at a policy-compliant level.

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:

Yes, agree to the proposal to include late-stage viability reviews.

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?

Yes

Please explain your answer:

It is hard to adjust the golden rules for other types of development. They should be delivered with appropriate infrastructure (both hard, grey, green and blue infrastructure as well as social infrastructure such as contributions towards education and training for employment developments). On very large employment sites, there should be the scope for "affordable" employment spaces to be provided on a leasehold basis to allow for incubator space for start-ups to grow their business from.

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:

Yes, this should only apply to new Green Belt release as otherwise viability is affected for sites that are identified for release in existing Local Plans.

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

Yes

Please explain your answer:

Yes, the benchmark land value should not be set at a national rate as proposed at paragraph 1, but at a local authority scale. Otherwise agree with the proposed wording.

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

No

Please explain your answer:

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:

Yes, this would be a sensible way forward and will ensure that Local Planning Authorities (LPAs) take this type of affordable rent tenure into account when undertaking needs assessments. Thereafter, LPAs can consider the need for social rent delivery alongside other types of affordable tenures in their areas.

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:

Yes. Ultimately, the LPA should consider each application site on its merits, shaping both the affordable housing tenure and property type mix to best meet locally identified affordable housing needs. Often, there is a range of household income profiles within an administrative area. This means that some households will benefit from affordable home ownership products, while others will benefit from affordable rent products, such as social rent or affordable rent. Other households may be able to rent or buy without the need to access affordable housing tenures. If the LPA has due regard for its housing need assessment, it should, unless viability strongly suggests otherwise, aim to set policies on affordable housing requirements accordingly.

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

Yes

Please explain your answer:

Yes. While First Homes is recognised as a specific kind of discounted market sale housing and satisfies the definition of 'affordable housing' for planning purposes, imposing a First Homes requirement on application sites is inappropriate. This is because it removes local flexibility to deliver other affordable housing tenures that may better meet affordable housing needs. These needs may still include affordable home ownership products such as Rent to Buy, shared ownership, or perhaps First Homes. Ultimately, the LPA should be able to consider each application site on its merits, shaping both the affordable housing tenure and property type mix to best meet locally identified affordable housing needs.

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:

Flexibility is important, so retaining First Homes as a recognised affordable tenure option may prove beneficial. If First Homes is retained, housing needs assessments should be used to set the baseline percentage discount for each LPA administrative area, with discounts being no less than 30%. Due to housing market variations within the LPA, more than one baseline percentage discount may be required to reflect these differences.

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

Yes

Please explain your answer:

Yes, agree with introducing the principle of promoting developments that have a mix of tenures and types. However, this principle should allow for flexibility to consider a range of practical factors related to the overall housing need, the application site, the surrounding area, infrastructure, and the broader economics of delivering a viable site, along with any other special circumstances.

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

Please explain your answer:

Delivery of social rent tenure is often more costly than affordable rent properties. Consequently, when social rent is provided through Homes England's Affordable Homes Programme, the grant rate per unit will typically need to be higher than that for affordable rent properties. This may require additional funding from the Treasury to enable the construction of an equivalent number of homes at social rent levels. It's worth noting that affordable rent can sometimes be similar in value to social rent, as Affordable Rent is defined as up to 80% of market rent, inclusive of service charges. For market housing sites where affordable housing is required, local planning authorities (LPAs) should ensure their policies are clear and unambiguous, particularly regarding the inclusion of social rent. Clear policies will help developers fully understand the affordable housing requirements for a site, allowing them to accurately factor these costs into their land negotiations. Additionally, developers may need to consider the indicative transfer values they are likely to receive when selling the affordable housing to a registered provider in respect of each affordable tenure to be delivered. This understanding is crucial when assessing the overall economics of delivering a site, considering all associated costs. As a major landholder, the UK government could support the delivery of affordable homes, including social rent, by releasing public land. Any such approach should be part of a clear strategy for land disposal that considers how public land assets can be used to achieve positive community outcomes—not merely as a source of capital receipts—whether in the form of housing or other public services. The recommendations in this report may be worth considering:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/2040/2040.pdf> In summary, the disposal of public land should be linked to a comprehensive land disposal strategy that addresses the need to build more homes and achieve broader community and public service goals. This may necessitate refreshing the existing Government Property Strategy 2022-30 to align with the government's national housing aspirations while also driving economic growth.

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:

Setting a maximum site size for developments consisting of a single affordable housing tenure is not considered necessary. While such developments may raise concerns, these concerns can arise regardless of the number of units being delivered. The key is to engage effectively with the local community, explaining the allocation process and eligibility criteria. By doing so, residents may realise that they or their family and friends are eligible to apply, which can help mitigate potential concerns. At the allocation or nomination stage, it is essential to have robust applicant vetting procedures and a fair allocation process. Furthermore, the social housing provider should be equipped with the tools and capacity to take appropriate recovery or corrective action should any issues of inappropriate behaviour by occupants or visitors arise in the new affordable housing.

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

Please explain your answer:

The countryside charity published a document in June 2020 called – How to improve the supply of rural affordable housing. There are some recommendations that may be worth considering. See <https://www.cpre.org.uk/wp-content/uploads/2020/08/Aug-2020-CPRE-Affordable-Housing-guide.pdf> Action with Communities in Rural England also published: <https://acre.org.uk/wp-content/uploads/No-rural-community-left-behind.-Recommendations-for-the-next-government-ACRE-May-24.pdf> A new study by University College London (UCL), commissioned by the Rural Housing Network (RHN), looks at the use of rural exceptions sites. Executive Summary: <https://www.housing.org.uk/globalassets/files/rural/executive-summary---factors-in-the-effective-delivery-of-rural-exception-sites-in-england-3.pdf> Full Report: <https://www.housing.org.uk/globalassets/files/rural/factors-in-the-effective-delivery-of-rural-exception-sites-in-england-8.pdf>

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:

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?

No

If Yes, what changes would you recommend?:

The current definition seems appropriate.

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 :

The 10% figure should not be mandatory. LPAs which are majority rural or green belt in area are likely to have fewer small and medium urban sites available for allocation and may therefore be unable to achieve 10% small site allocations.

A definition distinguishing between small and medium sites would improve clarity, however it should be noted that a small site in an urban area can provide a higher density, and therefore yield, than a similar sized site in a rural area. Any definition would need to differentiate between small and medium sites in rural and urban areas (e.g. 1ha in an urban area and 3ha in a rural area could be defined as small sites).

Small sites are unlikely to make noticeable contributions to improvements in utilities, infrastructure and new amenities needed to support new homes. A blanket 10% requirement may therefore be inappropriate for many LPAs depending on the context of their geographical area.

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?

Partially agree

Please explain your answer:

The proposal to retain references to well-designed buildings and places is essential, as design quality is a cornerstone of sustainable development. However, removing references to 'beauty' may inadvertently downplay the importance of aesthetic considerations, which are significant for community well-being and cultural heritage. The term 'beauty' encapsulates more than just visual appeal—it reflects the overall harmony and appropriateness of a design within its context.

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

Yes

Please explain your answer:

The proposed changes to policy for upwards extensions seem pragmatic, especially in urban areas where space is limited, and increasing density through vertical expansion is a viable solution. However, such policies should be carefully managed to ensure they do not negatively impact existing communities, overshadow public spaces, or degrade the urban skyline.

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

Yes

Please explain your answer:

One suggestion could be to enhance guidance on how upwards extensions can be integrated in conservation areas, where impacts could be significant and where there may be greater demand for such proposals, especially in built up settings. Additionally, providing clearer criteria for assessing the impact on light, privacy, and overall neighbourhood character would help in managing potential conflicts arising from these developments.

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:

Yes, in principle.

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

No

Please explain your answer:

It is not necessary to identify other sectors for support in proposed changes to existing NPPF paragraphs 86 and 87. New text inserted at proposed new paragraph 84b (existing paragraph 86) is clear by the use of the words "such as" that those uses identified are not intended to be comprehensive. Existing paragraph 87 (proposed new paragraph 85) criterion c proposes sufficiently flexible wording to account for any other sectors which have not been explicitly identified and / or may result from the requirements arising from innovative and new technologies.

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?

No

Please explain your answer:

The prescription of datacentres as development capable of being directed into the NSIP consenting regime is not necessary and therefore not supported.

The prescription of giga-factories and laboratories as development capable of being directed into the NSIP consenting regime on request is supported providing they exceed an identified (to be established) minimum size threshold.

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?

Yes

If Yes, what would be an appropriate scale? :

Extending the type of development which could be capable of being directed into the NSIP consenting regime should be limited by scale. Determining what would entail an appropriate scale will vary by use and will require a detailed analysis and understanding of the nation's likely requirements relating to the respective use. Accordingly, at this time we are unable to suggest an appropriate scale to trigger direction into the NSIP consenting regime.

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:

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?

No

Please explain your answer:

Insufficient details have been provided to agree to the changes proposed to NPPF paragraphs 114 and 115. It is unclear precisely what a 'vision-led' approach to transport planning entails and the resources and skills required to ensure its delivery. The indication that updated guidance will be published alongside the policy coming into effect is unsatisfactory because: a) it appears to predetermine that the policy will come into effect; and b) it does not allow for a detailed consideration of what the policy will entail. Accordingly, it is also not possible to comment upon the insertion of 'all tested scenarios' at paragraph 115 without further detail being provided to enable an understanding of what the range of those scenarios might be.

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

Please explain your answer:

The national policy could provide direction and clarity on promotion health and it is important that local understanding of healthy communities when developing planning policies and setting out health planning principles and strategies. Planning for health Supplementary Planning Guidance and Documents would be helpful to provide guidance to improve health and wellbeing and guide the assessment of development. Health related policies could help to meet and connect with wider policy objectives, such as active travel and green infrastructure policies. Health Impact Assessment would be recommended to be submitted with major development to address health effect and health inequalities during the planning process. Last but not the

least, monitoring with indicators set out in the SPD could measure the performance and effectiveness of the policies.

Childhood obesity is not only caused by the hot food takeaway, but it is appropriate to control the hot food takeaways near schools. The control zone could extend to sites including schools, children's play area and community centres. In addition to this, improve the provision of accessible (easy access play opportunities), safe (safe design, safe travel to play area) and inclusive (barrier-free environment) play area would facilitate creating better play space for all. It is worth mentioning that developers' contribution to new developments would help to provide accessible children's play area or recreation facilities to improve both mental and physical health.

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

Yes

Please explain your answer:

Public health and health inequalities are influenced by mixed environmental and socio-economic factors, particularly at the local level. Collaboration between local authorities, communities and health services through a place-based approach could greatly help to achieve the common goal to respond to local needs and foster healthy communities with positive health outcomes.

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:

Yes, agree in principle.

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:

Greater support for renewable and low carbon energy is needed in national policy to work towards and subsequently meet the net zero target as well as facilitating national energy security. Strengthening existing wording in relation to identifying suitable areas for renewable and low carbon energy sources at the local level is welcomed.

However, there are issues with specific detail. Proposed paragraph 164 takes this backing too far by indicating that local planning authorities should support planning applications for all forms of renewable and low carbon development. Such blanket support is not possible in certain areas where there are environmental sensitivities, for example deep peat deposits (either lowland or upland) or in areas of the highest quality agricultural land, where the contribution towards national food security would effectively become of lesser importance than the contribution towards national energy security.

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:

Some habitats should have additional protections and Natural England would be well placed to advise in this regard. The multi-functional role of peat needs to be specifically recognised, not only as a habitat with a major role in relation to carbon sequestration but also, on occasion, as a habitat with rare biodiversity and as one capable of catchment wide flood management and mitigation.

In areas of deep peat, which covers both upland and lowland areas (the latter of which is commonly forgotten by national advice and guidance) the siting of large wind turbines is less likely to be suitable due to the damage to / compaction of peat during the construction phase or the need for deep piling to ensure the stability of the built structure. In addition, solar panels are unlikely to be appropriate in areas of peat where rewetting, for example by ditch blocking, is suitable in order to secure carbon sequestration and to provide catchment wide flood management by storing and slowing the movement of water from upland areas. Each case would need to be considered on its merits in relation to the depth and quality of peat e.g. whether it was degraded as well as the current and anticipated future role of the land in question. Finally, in considering the suitability of the siting of renewable energy it must also be recognised that peat is an irreplaceable habitat due to the length of time needed to (re)create the habitat. Irreplaceable peat habitats must not be limited to the NPPF Annex 2 glossary definition of blanket bog and lowland fen as this excludes other types (and therefore areas) of irreplaceable peat habitat e.g. lowland raised bog, lowland deep peat.

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:

The proposed threshold of 100MW appears reasonable given advancement in technology and what would have previously been considered nationally significant is not likely a small to medium scale development, however the significant resource implications of LPAs having to deal with planning applications falling below this threshold must be recognised, along with the resource implications of dealing with very large NSIP projects.

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:

The proposed threshold of 150MW appears reasonable given advancement in technology and what would have previously been considered nationally significant is not likely a small to medium scale development, however the significant resource implications of LPAs having to deal with planning applications falling below this threshold must be recognised, along with the resource implications of dealing with very large NSIP projects.

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

Please explain your answer:

No

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

Please explain your answer:

Please refer to our responses to this consultation in relation to connected questions 73 (renewable and low carbon energy), 74 (sensitive habitats/ carbon sequestration), 80 (managing flood risk), 85 (in relation to water resilience) and 86 (other suggestions – with the response relating to Part G of the Building Regulations) for a selection of specific, deliverable ways in which national planning policy could do more to address climate change mitigation and adaptation.

Overall, national policy has a key role to play in emphasising that climate change mitigation and adaptation relates to many different aspects of planning and in providing both strategic co-ordination between these aspects and the tools (including good practice and education) to enable delivery at the local level. A national, co-ordinated strategic overview of the suite of measures available is required, which in our view is currently lacking.

As an island, mitigation and adaptation in relation to sea level rise as a result of climate change is important. Shoreline Management Plans (SMPs) set out an approach to future coastal change, as explained fully by our response to question 80. In summary, the evidence underpinning SMPs is dated and incomplete, which creates great uncertainty. This, along with the non-statutory nature of these documents, undermines the ability to plan confidently for future development in some coastal areas, in particular in locations where further setting back of coastal defences inland ("managed realignment") is proposed but where the exact location of that realignment is presently unknown.

As referred to by the response to question 86, it would be far more effective to introduce enhanced standards relating to the use of resources in new developments e.g. water efficiency, the use of greywater, rainwater harvesting etc. than attempting to do this individually at the local level where evidence base will be subject to challenge at individual local plan examination.

In addition to promoting more widespread use of Sustainable Drainage Systems (SuDS) in developments (see response to question 80) national advice should have a greater role in tackling urban creep by resisting the cumulative effects of the loss of pervious surfaces, such as grass, to impervious ones.

We believe that climate change mitigation is being considered too simplistically at the national level by giving primacy to the promotion of renewable energy over other considerations. For example, our response to question 74 indicates that solar farms will not be suitable in certain habitats and / or may conflict with other climate change mitigation measures e.g. in relation to catchment wide flood management. In addition, there is also a potential conflict with agriculture which requires more thought at the national level in that the loss of the best and most versatile agricultural land reduces national food production capacity. This potentially places greater reliance upon food imports, the supply of which may themselves be adversely affected by climate change, with the result being that the nation becomes more resilient in relation to energy production but less resilient and therefore more vulnerable in relation to the effects of climate change on food production / supply.

The promotion of more trees, particularly in urban locations would provide both mitigation and adaptation in relation to climate change by reducing greenhouse gases and providing urban cooling and could also be linked with the national mandatory requirement for Biodiversity Net Gain and to Natural England's Urban Tree Canopy Cover Standard.

Finally, whilst the National Design Guide and National Model Design Code provide guidance in relation to the design of developments, including relating to climate change mitigation and adaptation, more detail could be provided by national advice in terms of good practice e.g. in terms of the use of materials, including lighter colours to reflect rather than absorb heat.

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:

We are unaware of the availability of tools for accurate carbon accounting in plan-making and in determining planning applications, which would tend to indicate technological and wider unreadiness. The challenges to increasing its use in planning include resources, as the increased complexity and

requirements in relation to planning have coincided with a notable reduction in local authority staffing, and the necessary training and expertise to both undertake carbon accounting and to be able to evaluate that accounting for plan making and decision taking purposes.

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

Yes

Please explain your answer:

Yes, as there are currently significant problems with the transparency and implementation of wider policy relating to flood risk. Whilst NPPF and NPPG include all the mechanisms to enable effective decision taking relating to flood risk, these could be set out better by national advice. It is also clear that the increased emphasis upon taking all sources of flooding into account in NPPF has resulted in inconsistent decision taking. National advice needs greater clarity in relation to the flood risk management hierarchy, the drainage hierarchy, the sequential approach and sequential test, the exception test, sustainable drainage systems, coastal flood risk and the roles and responsibilities of flood risk management authorities.

First, national advice needs to set out the flood risk management hierarchy in simple terms and give more prominence to it so that the tools available to address flood risk, and the order in which they should be applied in decision taking, is clear. The drainage hierarchy should also be set out and the difference between this and the flood risk management hierarchy should be explained. We consider the current lack of reference to either in the NPPF is a major contextual omission resulting in a lack of understanding of how to address flood risk in practice. It has resulted in the sequential test attaining primacy and overuse in planning as the tool to address flood risk.

Secondly, the difference between the sequential approach and the sequential test needs to be set out, which is a significant current omission and results in the two terms frequently and, in our view, incorrectly being used interchangeably, existing NPPF paragraph 168 being one instance. This can lead to the sequential test being applied to a development proposal at an early stage when it may not be required, which is unduly onerous. Superseded Planning Policy Statement 25 Practice Guide Development and Flood Risk (December 2009) usefully shows the difference between the sequential approach and sequential test diagrammatically at paragraph 1.8, Flood Risk Management Hierarchy. This difference has become blurred, including by NPPG and the refinement of the flood risk management hierarchy in it at paragraph: 004 reference ID: 7-004-20220825, revision date: 25 08 2022.

Our understanding is that the sequential approach is the overarching way in which flood risk is addressed locationally and the sequential test, which looks at potential alternative development sites, is one of the tools deployed within the flood risk management hierarchy to ensure accordance with the sequential approach.

Under the heading "Avoid", bullet point 5 of the aforementioned paragraph of NPPG states "Within sites, using site layout to locate the most vulnerable aspects of development in areas of lowest flood risk....." The ordering of this content of bullet point 5 after reference to the sequential test in preceding bullet points has contributed to some illogical and unduly onerous applications of the test. For example, appeal decision APP/A2335/W/23/3326187, land west of Highland Brow, Galgate, Lancaster, which is a well-known decision, required the applicant to apply bullet point 5 considerations when considering sequentially alternative sites as part of a sequential test without first allowing the applicant the facility to apply those same layout considerations to their own application site. This would have determined whether a sequential test was necessary in the first place and had the effect of treating the application site more onerously than those alternative sites subsequently considered as part of that sequential test. Furthermore, that decision failed to refer to climate change modelling as part of the sequential test so the assumption would be it was not taken into account, which is contrary to national advice.

Our experience, from working in an area with significant risks from flooding from all sources is that the sequential test will be engaged noticeably less frequently in relation to surface water and groundwater sources than if the source is river or sea. This is because the more localised nature of surface water flooding generally allows risk to be managed and minimised onsite through a combination of avoidance (locating more vulnerable development away from medium and high risk areas) and control measures (the use of sustainable drainage systems). Groundwater datasets require "ground truthing" onsite prior to determining whether engaging the sequential test is appropriate. Notwithstanding this, we are strongly of the view that the sequential test should still apply in relation to all forms of flood risk as it is the practical application of the test that is the current problem. The National Infrastructure Commission's report of November 2022 was quite clear in identifying that that surface water flooding is a serious and growing risk in England. Therefore, all tools within the flood risk management hierarchy should be available to deal with that source of risk as appropriate.

The application of the sequential test onerously (a small part of the site being at risk from flooding equals the test being required) is not appropriate and will, on occasion, lead to planning applications and local plan site allocation site boundaries being redrawn to reduce the site area by excluding areas at risk from flooding, in particular in relation to river and sea sources, in order to avoid the sequential test. This will undermine good site planning i.e. omitted areas at risk from flooding could have been utilised for green infrastructure and sustainable drainage systems, allowing flood risk and site drainage to be addressed in a holistic manner. The sequential test needs to be applied proportionately, for example in instances where a small part of a site is at risk from flooding from river and sea sources (taking climate change into account) the aforementioned site layout/ bullet point 5 considerations in relation to the provision of green infrastructure should be permitted without engaging the requirement for a sequential test. However, simply inserting the word "proportionate" in national advice would be insufficient and more detail would be required.

Thirdly, there is a lack of consistency in the application of the sequential test between town centre development proposals (no disaggregation of components of a proposal) and flood risk (disaggregation of components of a proposal allowed) as a result of case law. This needs to be rectified, most likely in favour of the latter, as decision takers are currently left in a challenging situation when both tests apply to a development proposal i.e. a proposal for town centre uses in a non-centre location which is also in an area identified at a threshold risk of flooding so that the flood risk sequential test also applies.

Fourthly, more consideration needs to be given to the application of the exception test in national planning advice and in setting the framework for its application at the local level. NPPG paragraph: 036 reference ID: 7-036-20220825 revision date: 25 08 2022 indicates that: "Local planning authorities need to set their own criteria for this assessment, having regard to the objectives of their Plan's Sustainability Appraisal framework, and provide advice which will enable applicants to provide relevant and proportionate evidence."

On the one hand, the exception test only applies in relation to sites within certain Flood Zones (and therefore at risk from river and sea sources of

flooding). In the instances where a sequential test is required when an application is at risk from flooding from other sources, such as surface water, a "lower bar" is therefore set for the application to pass in that it simply needs to accord with NPPF paragraph 165: "Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere." There is no stated requirement in relation to the development providing wider sustainability benefits. On the other hand, small residential developments in Flood Zone 3a (for example single dwellings) will not be able to meet wider sustainability benefits across the range of indicators of a Sustainability Appraisal Framework (SAF) so further guidance in relation to "proportionate evidence" is needed so that such development is not automatically precluded in Flood Zone 3a.

Fifthly, the current requirement for major developments to incorporate sustainable drainage systems, unless deemed inappropriate (NPPF paragraph 175) should be extended to also include non-major developments (but exclude minor developments as per the definition relating to flood risk) due to the cumulative effects of (several) non-major developments upon surface water management. Such a requirement should not be onerous providing the type of SuDS used is appropriate to the scale of development e.g. smaller developments could implement rain gardens or rainwater harvesting. This could be combined with improved advice in relation to flood resistance and resilience i.e. if control measures are not considered appropriate, enhanced mitigation measures should be required. Our practical experience is that the use of control measures in the form of SuDS is key to managing surface water flood risk when applying the flood risk management hierarchy.

Implementation of Schedule 3 of the Flood and Water Management Act 2010 to enable SuDS to be adopted and remove automatic rights to connect to the existing sewer system needs to take place as a priority.

Sixthly, there are currently unresolved problems with managing flood risk in coastal areas which is creating uncertainty, in determining planning applications and producing local plans. Shoreline Management Plans (SMPs) are non-statutory documents but have potentially substantial implications in planning future developments, particularly in areas identified for future "managed realignment" by setting back coastal defences inland, resulting in the loss of existing land to the sea.

However, our own experience is that the evidence to justify the relocation of coastal defences is dated (approximately 25 years old in the case of SMP 22: Great Ormes Head to Scotland), rudimentary and incomplete. In this respect, SMP Explorer (the new online interactive platform for Shoreline Management Plans) currently indicates that several pieces of evidence to be used to substantiate managed realignment in our area are complete when in reality they have not yet commenced. This means it is not possible to identify exactly where managed realignment will occur inland and therefore not possible to identify Coastal Change Management Areas in local plans in a timely or accurate manner, as required by NPPF paragraph 177. This leaves great uncertainty in considering the potential implications of sea level rise as a result of climate change in coastal locations and therefore in making development decisions. The Environment Agency should be responsible for producing this evidence, or leading its production, in order to ensure consistency of approach nationally.

Finally, and fundamentally, the roles and responsibilities of flood risk authorities need to be more clearly defined and the inter-relationships in decision taking improved. There is a current lack of responses from statutory bodies in advising upon planning matters relating to several sources of flooding, including groundwater (which some Lead Local Flood Authorities indicate is not their responsibility), canals (comments from the Canal and River Trust do not normally relate to flood risk), reservoirs and climate change relating to sea, rivers and surface water sources (including modelling and allowances). The Environment Agency's online climate change allowances are, frankly, beyond interpretation by a planning officer and modelling, which shows the additional extent of river and sea flooding as a result of climate change, is not being made readily available to local authority decision takers when it is essential information in considering whether a development will be at risk or safe over its lifetime. The extent to which the national flood risk assessment database update (NaFRA2) will address these issues is presently unclear.

This situation leaves officers in the local planning authority to, more often than not, pull together partial and uncoordinated responses from statutory bodies that deal with single sources of flood risk and then use these, along with available flood risk datasets, to evaluate the in combination effects of all sources of flooding for a site / development proposal in decision making. This is a concern in planning effectively for growth and carries obvious risks of development taking place in areas at risk of flooding during the lifetime of the development.

Progressing the Government's growth agenda without addressing the above matters would, in our view, be foolhardy with consequential increased risk of disruption to livelihoods from flooding and associated economic consequences or even risk to life.

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

No

Please explain your answer:

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

No

Please explain your answer:

Under the existing framework, the quality of agricultural land only protects it from development where there is lower quality agricultural land alternatives elsewhere in the area. The nature of the geology and soils of West Lancashire means that much of West Lancs benefits from having high grade agricultural land. Agriculture and horticulture continues to be a significant employer within West Lancashire and with the impacts of climate change and the increased demand for locally sourced produce, demands on the quality and availability of agricultural land is most likely to increase.

The protection of best and most versatile agricultural land is an important consideration and there is no good reason why this should not be explicitly referenced as a factor to be taken into account by LPAs when determining which sites should come forward for development.

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

Yes

Please explain your answer:

Best and most versatile agricultural land is key to national food security and the self-sufficiency of our food supply. The planning framework can provide additional guidance as to how LPAs can support sustainable food and farming through planning and a requirement for all major development proposals to be assessed for their impact on the food supply system could be considered.

Small scale community food production as part of new developments (e.g. edible landscapes, community orchards, allotments and gardens) should be encouraged through the framework.

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:

We agree that the current water infrastructure provisions in the Planning Act 2008 should be improved. We have no specific suggestions in this regard, other than to note that the recommendations at paragraph 26 a to d inclusive of chapter 9 of this consultation appear reasonable. In particular, paragraph 26b "the construction, maintenance or operation of water infrastructure by a third party on behalf of a water undertaker" would appear to address a current loophole in the 2008 Act.

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:

To facilitate water resilience, there should be greater support given to the provision of irrigation reservoirs in connection with farming. Irrigation reservoirs store water in winter for usage in summer to avoid uncertainties in relation to summer abstraction licence restrictions.

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

Yes

Please explain your answer:

The increasing pressure on water supply as a result of climate change and population growth, needs to be managed more effectively to reduce the demand upon supply and improve national water resilience. To assist this, the Government needs to consider how standards of water usage for new domestic properties set out by Part G of the Building Regulations relating to water efficiency could be reduced from the current level of water consumption of no greater than 125 litres/person/day. It would be far more effective to introduce an enhanced standard e.g. 110 litres/person/day at the national level rather local planning authorities attempting to do this individually at the local level where evidence base will be subject to challenge at individual local plan examinations.

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?

Not Answered

Please explain your answer:

No particular views

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

Not Answered

Please explain your answer:

No particular views

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:

An increase in householder application fees to meet cost recovery appears reasonable, as it ensures that local planning authorities have sufficient resources to manage and process applications effectively. This approach would help maintain the quality and speed of planning services without overburdening taxpayers. Full cost recovery could help alleviate financial pressures on LPAs, improving service delivery and reducing delays.

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.

Yes

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

If the full cost recovery increase is deemed too burdensome for applicants, a smaller increase such as 50% could prove a reasonable compromise. This would still provide additional resources for local planning authorities while minimising the financial impact on homeowners seeking to make improvements. However, it may prove more challenging for LPAs to progress its routine applications promptly.

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?

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.:

The estimated increase to £528 for householder application fees seems high, and it would be important to ensure that this does not discourage homeowners from pursuing necessary improvements. However, it would appear reasonable if it is reflecting the actual costs incurred by LPAs, which can vary significantly on a case by case basis depending on the complexity, and the public / political involvement that can arise from time to time even in the most simple of cases. Any increase of this scale must be justified with detailed cost analysis and adjusted regionally if necessary, to reflect different operating costs. A phased or tiered approach to fee increases could be considered, allowing for gradual adjustment to full cost recovery and transparency in how figures are calculated will be crucial for providing reasoning to the public for such a sharp increase as that proposed.

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:

Some complex applications, in particular those that increasingly require LPAs to buy in extra advice, such in conservation areas, or where significant environmental impact assessments, viability reports and expert advice on Biodiversity Net Gain, may require higher fees to cover the additional scrutiny and resources needed. Adjusting fees for such cases would ensure that local authorities are adequately funded to handle these more challenging applications. An evidence-based approach ought to be taken to recalibrate fees according to the complexity and size of projects.

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.

No

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

It is more important to review those types of application that already attract a fee. At present listed building consents are free and pre-application fees are charged locally, and it is important that fees for these do not discourage proper heritage stewardship or make early engagement with the planning process appear more arduous.

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:

Allowing LPAs to set their own fees may help them address specific local needs and resource constraints. However, this needs to be balanced with consistency across regions and adjoining authorities, to avoid significant disparities that could lead to inequities in planning services. These disparities may impact on developers who operate in multiple locations.

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:

A hybrid model where base fees are set nationally with the option for local authorities to adjust fees within a certain range could provide both consistency and flexibility. This approach would allow for localised adjustments while maintaining a standard framework across the country. Of those suggested, local

variation is preferred. It is important that LPAs are able to justify deviations from the national default to ensure transparency and fairness, and be able to take account of the need for paid for external advice.

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? :

Increasing planning fees beyond cost recovery to fund wider planning services could be justified if it directly contributes to enhancing the planning process and outcomes, such as through better community engagement, better technology, improved environmental assessments, or enhanced design quality reviews. It is also important that such increases are not seen as a form of taxation on developers.

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:

It is important that the increasing expense of producing Local Plans is covered through changes to planning fees, in addition to covering the costs of neighbourhood planning support. Public consultations may be funded through planning fees. The burdens associated with planning enforcement and appeal administration are also not covered by planning fees at present and this is a matter requiring urgent addressing.

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:

Introducing cost recovery for services related to development consent orders could be appropriate, especially for large-scale projects that require substantial resources from local authorities. This would ensure that such projects are adequately supported without diverting funds from other essential services. Fees must be proportionate to the scale and complexity of projects and again there should be mechanisms to ensure transparency in cost calculation.

Careful consideration must be given to the varying capacities of local planning authorities to handle large projects. Authorities in regions with higher development pressure may require more robust cost recovery mechanisms. Additionally, allowing host authorities to waive fees under planning performance agreements could incentivise better collaboration and more efficient planning outcomes. It is important that the cost recovery mechanism is clear and that LPAs have resources and necessary training to implement effectively.

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:

Regulations should ensure that cost recovery is proportional to the actual costs incurred and does not create undue financial barriers for smaller projects. Guidance could set upper limits on fee increases and require transparent reporting on how fees are used to support planning services.

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 :

Full cost recovery could significantly enhance the resources available to local planning authorities, leading to faster processing times and better-quality decision-making. However, it could also increase the financial burden on applicants, particularly for smaller-scale or community-led projects. A detailed impact assessment should be conducted to ensure that cost recovery balances the needs of authorities with the ability of applicants to afford fees.

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

Yes

Please explain your answer.:

One suggestion could be to explore the introduction of performance-based incentives for local planning authorities, where a portion of the recovered costs is tied to the quality and efficiency of planning services. This could help ensure that increased fees translate directly into better outcomes for communities and developers alike. Another suggestion would be the development of standardised training for LPA staff on principles of cost recovery, ensuring fees are set transparently, and monitoring the impact of fee increases on application volumes and service delivery. Where a development is

exempt from paying CIL, there should still be the payment of a CIL administration fee to cover the cost of processing the application and paperwork and monitoring the development.

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?

Yes

Please explain your answer:

200 dwellings is an arbitrary figure and it should be percentage based.

104 Do you agree with the proposed transitional arrangements?

Yes

Please explain your answer:

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

Yes

Please explain your answer:

Yes, the Planning Policy for Traveller Sites should also be updated to reflect any wide-ranging changes to the approach to development in the Green Belt.

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:

Subject to Gypsies and Travellers being treated in the same way as the settled community when it comes to assessing proposals for accommodation (whilst being respectful of their accommodation requirements), there is anticipated to be no adverse impact on any specific group.

Chapter 14 – Table of questions

Chapter 15 – About this consultation