

Proposed reforms to the NPPF and other changes to the planning system

Consultation response from South Hams District Council and West Devon Borough Council, 24/09/2024.

South Hams and West Devon Councils welcome the opportunity to work with government to create a planning system that can deliver the homes that we need, and to ensure that the development system creates equitable and climate resilient places.

However, the key changes to the National Planning Policy Framework and Standard method being proposed by the government are not considered to be a suitable response to the key housing and climate challenges we are all trying to address.

In the broadest terms, the aspirational annual figure for housing delivery is not based upon any objectively tested evidence, and disregards key performance indicators that would suggest a different set of policy interventions are required. In the last ten years the planning system has granted over 1 million planning permissions that have yet to be implemented. The current planning system has identified sufficient land to meet future housing needs for the near future, but without the ability to enforce implementation, the supply of housing will always fall short of need, as developers wait for optimum market conditions before they build out planning permissions – and optimum market conditions relies upon scarcity of product.

The proposed housing figures for our specific area are considered to be inappropriate and undeliverable. Members of our Councils attended NPPF roadshows hosted by the Planning Advisory Service, where the proposed standard method was described as an 'unconstrained assessment of the minimum number of homes needed in an area'. If the government is going to rely upon such a crude methodology, the NPPF needs to include sufficient flexibility for local authorities to apply constraints and spatial context to their housing numbers.

Our area for example benefits from some of the most well-known and visited landscapes in the country. We have a national park, two designated National Landscapes (formerly AONBs) and a World Heritage Site, as well as countless SSSIs and national and local nature reserves. The natural beauty of our area contributes to a thriving tourism economy, from which a significant proportion of our communities' benefit.

However, for all that the tourism sector contributes to our local economy, it also creates broader issues that we are struggling to address. We have lost a significant proportion of our housing stock, particularly private rented housing, to tourism accommodation. The higher number of visitors we get each year exposes our housing stock to a larger number of potential buyers, most of which have higher disposable incomes than local people earning local wages. The tourism sector also

creates a reliance upon seasonal, lower-paid and less secure employment than other sectors. All of which leads to unaffordable homes and relatively low wages.

Despite our spatial constraints and sensitive landscapes, we have continued to deliver a consistent supply of new homes that exceeds our projected change in household growth.

It is therefore inexplicable that we should be expected to deliver a huge uplift in housing numbers that is predicated on a housing stock that comprises a large number of dwellings that are not even used as homes (second homes of 15% of the whole in some areas). It would also appear that our housing figures have been subject to further uplift due to the affordability challenges that we face. Without restricting who we are building new homes for, the only beneficiaries of delivering such a huge uplift in housing numbers will be inward migrants and volume housebuilders.

If the government is minded to pursue the proposed standard method for calculating housing need, it is recommended that the following changes to the wider planning and housing systems to ensure that new homes benefit those in housing need;

- Greater ability for local councils to acquire land and build their own homes
- Remove the right to buy for new affordable homes
- Require developers to deliver a significant proportion of discount open market homes that can only be owned and occupied by people with a demonstrable long-term connection to the local area
- Apply the 'golden rule' to all greenfield land (not just greenbelt) when considering viability matters, capping the land value in viability considerations to no more than three times the value of the previous land use.
- Greater financial incentives to unlock brownfield land
- Local authorities with both landscape and affordability constraints must have the flexibility to reduce their housing needs figures to reflect challenges of delivery
- Developers must be penalised for the non-implementation of planning permissions on sites allocated in local plans
- Capping the amount of tourism accommodation that can operate in areas of high demand, to ensure enough homes remain to meet the needs of local communities
- Freedom to apply primary residency restrictions where applicable by the LPA

Finally, it is worth considering alternative options that can stimulate economic growth, not least if the existing housing stock can be better utilised to create the homes that we need, both in terms of meeting future housing needs and improving the health and wellbeing of the nation.

An enhanced national programme of housing retrofit and incentives for 'right-sizing' would improve both the quality and efficiency of our housing stock and make better use of under-utilised space by better correlating household size and dwelling size.

There are already nearly two million more dwellings in England than households, and of these, 9 million homes have at least two permanently empty bedrooms. Household sizes continue to decrease as the average age increases. The government is strongly urged to reform the planning system to deliver qualitative, rather than quantitative outcomes.

In short, the planning system is not the problem. Local Planning Authorities (LPAs) are already identifying sufficient land and granting enough planning permissions to meet projected housing needs, but the homes are not being built.

Chapter 3 – Planning for the homes we need

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

Ans: No, we don't agree

Whilst we recognise the need to bring the standard method of assessing need up to date to identify accurate housing needs figures, we have serious concerns with the proposed approach and disagree that the December 2023 changes to paragraph 61 should be reversed. To plan properly for the future needs of our communities, LPAs need to take on board particular demographic characteristics of an area. It is important that LPAs fully recognise changing demographics such as falling birth-rates and an ageing population as well as population change in general and that these factors are taken into account when setting any new housing needs for an area. We are concerned that the new approach does not allow for local circumstances or demographics to be considered and will therefore, not properly assess the needs of an area.

Question 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?

Ans: No strongly disagree

Representatives from MHCLG have described the proposed standard methodology as an 'unconstrained assessment of the minimum number of homes needed in an area'. This being the case, surely the government understands that 370,000 new homes a year is the most that can be delivered without constraint. But local planning authorities do not operate without constraint; real places are characterised by multiple constraints, and yet we are able to work with all stakeholders to ensure that the needs of future households in our areas are met.

Local authorities that include large areas of National Landscapes, National Parks, nature reserves and SSSIs are considerably limited in their ability to deliver the housing numbers proposed. The spatial planning system needs to be able to react to spatial constraints to meet the stated aim of delivering sustainable development. Without allowing flexibility to reflect local constraints the standard method is nothing more than an academic exercise.

The baseline for each LPA is going to be different and needs to be able to influence the housing needs figure that a local plan can deliver. For example, the amount of second homes and tourism accommodation should be understood before applying the crude housing stock multiplier algorithm that is being proposed. Similarly, the extent of under-occupancy and correlation between dwelling size and household size can inform the extent and type of housing need in an area, and the NPPF must enable LPAs to reflect these local circumstances in the housing need figures that they work towards.

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

Ans: Agree.

The urban uplift was completely arbitrary and had no regard to the actual deliverability of the uplift.

However, the proposed SM is a poor substitute and retrograde step by decoupling the method from demographic projections (see responses to other questions...) The standard method should be grounded in future population projections, demographic profiles of an area, and deliverability if the expectation is that delivery is primarily in the hands of the private sector and substantial state intervention and monies is not envisaged. The standard method should contain no arbitrary uplifts at all as they have no evidential basis. Arbitrary uplifts that are not deliverable nor within the control of LPA's do not translate into delivery, they result in undermining the plan led system, through the triggering of the tilted balance. This simply enables the private sector to bring forward more greenfield sites instead of allocations on PDL, reducing affordable housing numbers on viability grounds and not increasing output beyond that which they aim to provide to ensure demand is not met.

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

Ans: Disagree,

It is important that density is considered in a way which provides opportunities for positive change, it is not always appropriate to focus on optimising density and may be inappropriate if the resulting built form would be out of character with the existing area. A wide range of factors should be considered including the existing character and fabric of the local area. However, we support uplifts in average density of residential development where appropriate.

Question 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?

Ans: Partially agree. Design and spatial visions should be produced at a local level in order to take account of local circumstances and character, which in some circumstances could result in lower densities.

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

Ans: No, local circumstances should be allowed to be considered in the setting of the housing needs

Question 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?

Ans: We consider that it is inappropriate to continually demonstrate a 5YHLS. As high performing planning authorities with a good track record of plan making and an up-to-date local plan, we are keen to ensure we maintain a robust supply of suitable and sustainable sites to meet our development needs. We are also keen to review our Joint Local Plan at the right time, engaging positively with the communities and increasing their confidence and trust in the plan making system. Local Plans should not be tested within their first 5 years of their life because they are up to date.

A more appropriate measure of performance for local planning authorities would be the number planning permissions granted, rather than supply, over which LPAs have limited control.

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

Ans: We have no issue with the proposed changes to para 76 (not 77, which you are proposing to delete).

Question 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?

Ans: Local planning authorities should not be required to add a 5% buffer because they do not guarantee more delivery. Applying a buffer fails to recognise that some Councils have a good consenting record but that not all permissions or deliverable sites get built. This is outside of the control of local planning authorities and LPAs should not be penalised for things they cannot control. We recognise the importance of ensuring flexibility in the supply and Councils ensure that there are a range of deliverable and developable sites over the lifetime of the Local Plan.

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

Ans: N/A as we do not consider that buffers are appropriate.

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

Ans: Yes, agreed.

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

Ans: We consider that it is imperative that there is proper consideration of cross-boundary issues that are best assessed on a wider functional spatial level, to ensure sound strategic planning and policy interventions to deliver sustainable patterns of development.

When set against the significant increase in housing numbers, cross-boundary planning will simply become farcical, as very few local authorities will be able to deliver their allotted housing numbers, and neither will their neighbours. If 60-70% of local planning authorities can't meet the housing numbers imposed upon them, where does the unmet 'need' go?

As such, we have some serious concerns about the implications of the wording at para 27 (b) of the NPPF which states that if you are unable to meet your needs your neighbours have to deal with that unmet need. This seems to imply that those who get a plan in place

first can just pass their unmet need to neighbouring areas. We are not sure that this is what is envisaged and would therefore suggest revisiting the wording to improve the clarity.

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

Ans:

In order to ensure consistency and compatibility with UK law, it is suggested that the final test of soundness be amended to read 'Consistent with national policy and legislation'. This will ensure that strategic scale plans and proposals are also aligned with the net zero target from the 2008 Climate Change Act (Amended) and Environment Act 2021.

In order to speed up plan-making we would recommend reverting to how plans were examined under the 2004 Act, where a draft plan was considered to be sound unless proved otherwise. This would speed up plan making and enable LPAs to focus on delivery.

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

Ans: No.

Chapter 4 – A new Standard Method for assessing housing needs

Question 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?

Ans: No (see above about Standard Methodology)

The proposal to alter the standard method to relate to housing stock rather than household projections is still a flawed methodology designed to add up to a politically motivated housing target. It doesn't matter what methodology is used, the issue is the grossly inflated housing number that the methodology is being asked to arrive at.

There is no robust basis for delivering 370,000 new homes a year, and which MHCLG staff themselves have described as an 'unconstrained assessment' of housing delivery. Using housebuilding as an economic stimulus is not going to deliver wide-ranging economic benefits. The same few volume housebuilders will simply stockpile and sit on more planning permissions, more land will become controlled by the same few private companies, supply of new homes will not increase, and house prices will remain unaffordable for many.

Estimates suggest that at 2021 there were planning permission for over 1 million homes granted by local planning authorities in England that remain unimplemented. Since 2015, 40% of the new homes that have been granted planning permission have not been built. The planning system is not the problem that it is being portrayed as – this is borne out by evidence. The issue is that housebuilders want to wait until market conditions are optimal to ensure maximum financial returns for shareholders. Reforms to the planning system should focus on ensuring planning permissions are implemented, not requiring local planning authorities to allocate more land or grant more planning permissions.

Question 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?

Ans: We do not agree with the proposed standard method but we do support the use of the median house price to median work-place earnings ratio since it demonstrates the affordability challenge that we have in our area. The data demonstrates that housing is unaffordable for a significant proportion of the population of our area with households needing to spend 12.6 and 11.1 times the medium income to access a medium house price in South Hams and West Devon respectively.

This illustrates the deep affordability housing crisis that we are faced with and suggest that the median house price to medium earnings ratio should be an indicator which is used to support a much greater proportion of affordable homes in our area and to enable the delivery of more social rented products.

In addition, in areas with such acute affordability issues, the emphasis for local planning authorities should be on providing more flexibility of tenure, including for discount market housing that is restricted by local connection to ensure that new homes meet the needs of local people.

There is also widespread evidence that simply increasing housing supply does little to improve affordability. The 2021 ONS census identified 23,436,100 households in England, and 25.2 million dwellings. Of the dwellings that are already in existence, 35%, or 9 million homes, have *at least* two empty bedrooms, It is suggested that the planning system could be more effectively changed to ensure a better correlation between household and dwelling sizes, and that local authorities are given greater powers to improve the accessibility of housing for local people.

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

Ans: Affordability is a very big issue in our planning authority areas and needs to be addressed however we do not consider that appropriate weighting within the standard method is the solution. In such a high value area with high levels of demand it is difficult to see how building more homes would influence the market as there would always be a demand irrespective of how many new homes were built and this would have very little, if any, impact on affordability.

There is no evidence provided to show that increasing the number of new homes will directly benefit those in housing need. Rather, in popular tourism areas such as South Hams and West Devon, unrestricted new homes will only satisfy the demand created as a by-product of the tourism industry, rather than meeting identified local needs. Unrestricted new homes will not make any of them more affordable or accessible to local people, because it does nothing to increase local wages. The assertion that increasing homes in areas where the affordability ratio is highest is flawed and based on a misunderstanding of the complex socio-economic factors that have created our housing crisis in the first place.

A different approach should be taken, one which sees delivery of fewer open market homes but a greater proportion of affordable homes for people with local connections. Many areas of the country that experience pressure on housing driven from tourism are also areas of highest landscape sensitivity and designations, and with below average wages. It is perverse to suggest that these areas should provide even greater numbers of dwellings, as there simply is not the capacity within the landscape to accommodate such a significant amount of new development.

Question 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?

Ans: Agree rental affordability is a significant problem, but there are multiple factors that influence the affordability of private rented accommodation, and simply increasing overall housing supply without any other controls or interventions is not going to improve the quantity or affordability of rented accommodation.

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

We strongly urge the government to replace the proposed model with one that responds to the actual drivers of need, starting from the most up to date population and household projections. It cannot possibly deliver the required housing nationally through this proposed approach, as it completely misdiagnoses the problem as one relating to the supply of sites through the planning process rather than an affordable housing crisis linked to the failure of the housing and development market.

Chapter 5 – Brownfield, grey belt and the Green Belt

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

Ans: Whilst we support the priority given to the development of brownfield land, 'brownfield passports' alone won't increase the number of brownfield sites back into productive use without a greater level of intervention and control of the market by national government. PDL remains derelict, vacant or underused given viability issues driven landowners and developer's requirements for high profit margins. This will unfortunately continue to ensure that plans and delivery are characterised as greenfield first plans and PDL last. Government need to address that brownfield land in low value areas is completely unviable and lacks demand.

Question 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?

Ans: No Green Belts in our Authority areas.

Question 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?

Ans: PDL should not include agricultural, forestry or horticultural land

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

Ans: We support the proposed definition, but the name grey 'belt' land suggests that it potentially covers the same or similar area of land covered by Green Belt which we assume is not the intention. We suggest that this land may be better referred to as 'greyfield land' or 'grey pockets' as we understand it refers to parcels of PDL within Green Belts.

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

Ans:

Question 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?

Ans: The definition should be limited to PDL as the 'limited contribution' will be challenged.

Question 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?

Ans: See above

Question 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?

Ans: Yes, in the same way that LNRS can identify land required to enhance nature recovery in any area.

Question 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?

Ans: Strategy is correct, but the proposed housing figures make this untenable because of the need to intervene on small scale PDL.

Question 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?

Ans: Yes

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

Ans: There needs to be policy context otherwise development will proceed not in accordance with the Development Plan

Question 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?

Ans:

Question 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?

Ans: Where planning restrictions are being eased for development, this should include the delivery of G&T sites where there is a demonstrable need.

Question 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?

Ans: As an area with a high level of Caravan Dwellers we have historically struggled to reflect these numbers in our needs assessments due to the government definition of what can be included as a Gypsy and/or Traveller. Local Authorities should be allowed to include a true reflection of local need outside of the statutory definitions to allow provision for all those in need of these types of sites.

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

Ans: Yes Local Authorities are best placed to know their local housing need requirements, we would suggest that instead of a target of 50% which can be argued down in viability assessments that it is not just a target but a requirement. In addition, LPAs should be encouraged to propose their own requirements based on local circumstances where these could go beyond the requirement for 50% affordable housing.

We strongly believe this approach should not be restricted to green belt but also appropriate green and brownfield land, which would allow us to tackle the housing crisis in areas such as South Hams, where there is no greenbelt. A definition of this could form part of a National Development framework on mix and tenure

Question 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?

Ans: There is a housing crisis and any greenbelt release should have the 50% mix and as a requirement not a target. It is not appropriate to release Green Belt for just market housing.

Affordable housing is in crisis and therefore we need it on all housing sites, and LPAs should also be given the opportunity to set higher targets in higher value areas.

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

Ans: Yes

Question 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?

Ans: We suggest that land values should be set using benchmark values for all sites to as a value x 2 for example. Not just green belt.

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

Ans: No more than a multiplier of 3 x the value of previous land use and value.

Question 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?

Ans: We support this approach in principle. We recommend a 3 x existing value, but think it should apply to other greenfield sites outside of the Green Belt to ensure that all social and environmental benefits of housing development are not eroded by viability arguments.

Question 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?

Ans: Agreed

Question 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?

Ans: Yes but clawback through a legal agreement is an alternative approach.

Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, traveller's sites and types of development already considered 'not inappropriate' in the Green Belt?

Ans: Infrastructure and open space contributions

Question 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?

Ans: NPPF should have greater weight than those plans which says it will not release Green Belt that could be redefined as Grey Belt. Government is strongly advised to apply the Golden Rules in all rural areas so that sites can deliver the wider social and environmental objectives of a plan, even if the multiplier is slightly adjusted, say capped to four times the previous value.

No to additional transitional arrangements.

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

Ans: No.

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

No additional comments

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

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

Question 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?

Ans: Yes, we already make provision for this within our local plan so strengthening this would support our position.

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

Ans: Since the Help to Buy system no longer functions, the evidence of both need and qualifying affordability criteria for shared ownership is not reliable, meaning allocation is not always made appropriately.

'Affordable Home Ownership' as a tenure should comprise an element of the open market housing offer, not form a proportion of the affordable housing requirement.

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

Ans: Yes, this is not appropriate in high value areas, and we have not introduced it in our areas other than one scheme that was offered as additionality.

First Homes was a flawed premise that delivered very little benefit. The more appropriate product would be a discount open market product that was restricted to meet the needs of local people only. This should form a proportion of the open market housing, not the affordable housing requirement.

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

There should be no requirement to deliver First Homes at all. The product does not meet an identified need and fails to secure benefits of discount open market after the first resale. Any discounts should be secured in perpetuity.

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

Ans: Yes – We have an aging demographic, challenges within the care sector and supported housing. Mixed developments can help to reduce health inequalities, social isolation and the crisis within social care. Sustainable communities are essential.

Government is strongly urged to require the use of available ONS data to identify the housing mix needs in local plans, and to ensure that development proposals meet an identified local housing need, rather than perpetuating an imbalance of large, under-occupied homes. The supply of large family homes is not appropriate in areas with an aging population and significant levels of under-occupancy in existing housing stock. Large, under-occupied homes are difficult to heat and maintain for older people, and local plans should be required to identify the size and type of homes that are needed to rebalance the overall housing stock, with an emphasis on delivering smaller, more efficient homes.

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

Ans: The Local Authority is doing all it can to promote affordable housing. We have a dedicated affordable led planner, free pre-app advice for 100% affordable schemes, our housing offer which does initial viability, survey & planning work and de-risks a site before offering it out to the provider market. and housing need information on all our settlements through the housing parish profiles.

Additional Government subsidy is essential to ensure it is cost effective to deliver smaller schemes in rural areas where there is an acute need but currently is too costly to bring forward. Revenue funding should also be available for initiatives to accelerate delivery.

Question 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?

Ans: Small rural housing schemes, which are acutely needed in rural areas, can tolerate 100% social rent, particularly if they are tied down with local connection criteria and the design is appropriate and uses community safety principles. Larger settlements historically are best delivered as mixed tenure.

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

Ans: addressing the stigmatisation of affordable housing and educating communities on the positive impact to rural life for an affordable housing scheme (Schools, shops, pubs) Abolishing the Right to Buy (we support this everywhere in our Districts urban and rural) which incentivises Councils (even non-stock holding ones) to build, where the challenge is not so much about adequate funding to re-provide, but not being able to re-provide in the parish where the home is lost . Make it a requirement of every Neighbourhood Plan that a

site for affordable housing is mandatory where there is an identified local need. Ensure there is maximum flexibility in HE grant funding to ensure infrastructure costs are recognised as well as difficult and challenging sites.

It is important to take a wider look at housing delivery in rural areas to understand how we can better provide affordable housing. If the affordability gap between tenures was not so large, it would reduce the need for affordable housing in the first place. Allowing local planning authorities to use policy tools to restrict ownership and occupation of new homes to local people would provide a stepping stone between the tenures of affordable housing and open market housing. Greater flexibility of tenure type is required to close the gap between tenure types.

Greater controls on holiday accommodation would also allow local authorities to better ensure sufficient diversity within the housing stock to better meet a wide range of household needs. Changes to the use class order and the introduction of use class C5 was nearly effective, but the permitted development route between C5 and C3 completely undermined any benefits. It is suggested that a regulatory requirement be introduced that all tourism accommodation be classified as C5, and that a threshold be introduced to cap the proportion of dwellings in the local authority that can be used as C5 dwellings.

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

Ans: Yes: The needs of looked after children are not fully understood, so it is essential that first tier local authorities make the evidence available for foster homes, secure units, supported accommodation and 1 bedroom accommodation and that this is regularly reviewed. Also, that there is flexibility for changing demand and that these are in appropriate locations to meet the objectives that every child should have a loving secure home close to their communities – an objective which is also a priority for this Council

Question 56: Strengthening Support for Community Led development Do you agree with these changes?

Q. Yes – we believe these plans should not just focus on housebuilding but also community infrastructure and supporting rural employment in the most sustainable locations.

Question 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?

Ans: The definition of affordable housing is subjective, and the official definition as per the NPPF can be divisive. A more localised formula, similar to broad market areas benchmarked by using only local salaries would be a much more effective mechanism to define what is ‘affordable’. If a local authority area is already characterised by grossly inflated house prices, what is the benefit of using it in a calculation to determine what is ‘affordable’? Whilst this would be a more complex process, LPAs would be willing to invest in this level of evidence if it supported more equitable outcomes and delivered housing to meet local needs.

Question 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?

Ans:

In rural areas typically small sites are only allocated in Neighbourhood Plans, and NP groups do not see enough incentive to allocate sites for unrestricted, open market housing. Land prices in high value areas are often too prohibitive for a small or medium sized company to take a risk in a small site. Policy interventions like applying the 'golden rule' to all greenfield sites would help dampen the grossly inflated prices being demanded in many rural areas.

Small sites are not often viable because of all the additional Government requirements (Biodiversity net gain can run to 5 figures in some cases). These are in addition to already higher costs due to rurality, design and landscape. Making it a requirement for all neighbourhood plans to allocate land for affordable housing would be a helpful inclusion.

Question 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?

Ans: Yes

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

Ans: Yes, we do not get many of these in our LPA areas, however such extensions rely upon an understanding of context and fitting in with that context, the LPA should retain the right to apply all relevant planning policies to these types of proposals.

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

Greater consideration should be given to the carbon reduction and climate change adaptation potential of good design. Well-designed places that are resilient to change will retain the original design ethos of the development, and not be eroded through incremental and reactive changes. It is also suggested that planning policy should set embodied carbon targets for new buildings, and this will need to be understood alongside the design of new buildings, as certain materials have much higher environmental impacts than others.

Chapter 7 – Building infrastructure to grow the economy

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

Ans:

The final sentence of paragraph 87 should continue to ensure that existing settlement patterns are respected, and that dispersed patterns of development does not proliferate across rural areas. It is also suggested that in rural areas, it is important to understand the associated environmental and emissions impacts of development proposals in locations that are not well related to existing settlements.

Government is encouraged to consider the wider environmental impacts of development such as gigafactories and data centres and co-locate these with renewable energy generation and storage to reduce wider impacts on the grid.

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

Ans: Employment innovation that aligns with wider UK carbon reduction legislation should be strongly supported and encouraged. Short-term economic development has the potential to undermine our collective obligations to radically reduce greenhouse gas emissions, as required by not just the NPPF but also the 5th and 6th carbon budgets and the 2008 Climate Change Act.

There is huge economic potential in the green economy. Retrofit of existing buildings, manufacture of low emissions construction materials, regenerative agricultural innovations, renewable energy generation and genuinely sustainable tourism all offer opportunities for economic growth and reducing our carbon emissions – there should be a clearer aspiration for the planning system to achieve these co-benefits.

Question 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?

Ans: If LPA's have identified locations for such uses, then the decisions should also be made at a local level, taking into account local considerations, and encouraging co-location with energy generation and storage facilities to reduce the impact on the local grid.

Question 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?

Ans: Yes, if it is deemed nationally significant then it should go to NSIP, if it is not it should be the LPA. Strategic Development Policies may be the appropriate vehicle for allocating such sites.

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

Chapter 8 – Delivering community needs

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

Ans: We agree with the objectives of positively planning for our community's needs, including homes, jobs, local facilities and associated infrastructure, however, this needs to be balanced with community resilience and carbon impacts.

We should plan for where community infrastructure is located in Local Plans, but how would they be delivered? Giving great weight to public service infrastructure in policy is not going to generate more money to pay for them.

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

Ans: We support incorporating reference to early years and post-16 places.

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

Ans: Agree that a Vision led approach is correct, but for large urban extensions a master plan (or Vision led approach) is already utilised.

Do not agree with all tested scenarios.

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

Ans:

(a) Mandate provision of proper and appropriate open space within developments, ensuring that the location of new developments promote the use of sustainable and active travel.

(b) car free developments; promoting walking, cycling, well placed facilities, restrictions on fast food restaurants.

Whilst the planning system can influence some factors regarding health, wellbeing and childhood obesity, government is encouraged to consider more systemic interventions that change all aspects of human behaviour in tandem with improving planning outcomes. The concern is that a focus on housing numbers is going to erode our ability to add qualitative outcomes to the development that is delivered.

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

Chapter 9 – Supporting green energy and the environment

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

Ans: Large yes, would need to have an established scale.

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

Ans: Yes. However, we feel that proposed changes to paragraph 161 should clarify that identifying opportunity sites for local plan is discretionary. Amalgamating para 165 into para 161 would provide greater clarity in this regard.

Question 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?

Ans: There should just be protection – no to compensation.

Question 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?

Ans: Should stay at 50MW as this is still large.

Question 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?

Ans: Should say at 50MW

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

Ans: see above.

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

Ans:

Government are strongly encouraged to revisit the Future Homes and Building Standards alongside changes to the NPPF to ensure that energy demand in new buildings is significantly reduced as soon as possible. Energy use in all buildings should be regulated and monitored through OFGEM, and implemented alongside an ambitious national retrofit programme that accelerates energy efficiency in all buildings

Given that the proposed rate of grid decarbonisation will see all buildings net zero in operation by 2030, it is imperative that embodied carbon is used as a metric to limit the environmental and emissions impact of new buildings, and that restrictions are in place to prevent demolitions and rebuilds.

As above, the NPPF and Local Plans should be assessed for compatibility with climate change and carbon reduction legislation. The proposed number of new homes to be delivered, notwithstanding serious concerns about the deliverability of this number, has the potential to emit significant amounts of additional emissions unless embodied carbon in buildings is monitored and restricted – ideally through the building regulations regime.

More needs to be done at national level to acknowledge the potential emissions impacts of new commercial development. Where emissions increases and impacts are identified, mitigation measures should be secured through planning conditions or via a s106 agreement to limit the wider impacts of the proposal. In particular, Sustainable Travel Plans that can be used to measure and monitor emissions impacts of new development, Operational Carbon Plans for businesses to commit to emissions reductions, and Farm carbon Toolkits to reduce the emissions impacts from agriculture.

The government has overlooked a significant opportunity to both stimulate the economy and reduce carbon emissions from existing buildings. A national retrofit programme that sees investment in training and education, and the production of low emissions building materials, can improve the thermal efficiency of existing buildings and significantly reduce the emissions impacts of well over 20 million homes. This would not only bring with significant economic stimulus, but it would also improve the quality of our existing housing stock, making it more resilient to climate change, improve the health and wellbeing of occupants, reduce running costs, and emit much lower emissions than are envisaged by the building of 370,000 new homes a year. This stimulus would also be more equitably distributed throughout UK society than the proposed model of using housebuilding to generate economic development, where the vast majority of profits will go the shareholders of a handful of housebuilding companies.

Question 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?

Ans:

Consistency of reporting is potentially an issue, but there are a wide range of tools available to model the potential emissions impacts of a local plan, or of a strategic scale planning proposal. It should be mandated that local plans should be based on the lowest emissions option available for managing future growth. Many local planning authorities are doing this voluntarily to ensure their plans are compatible with their own climate emergency declarations.

Life cycle assessment methodology should be used to measure impact of all development proposals, from single buildings upwards. We currently apply this methodology to demolition and rebuilds and set a threshold of a 25-year offset period across the entire project. LETI and RIBA both have standards for measuring the impact of new buildings, and these should be used to set thresholds as part of the planning process. LCA processes are subject to British Standards, and the most appropriate can be selected to ensure consistency of reporting.

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

Ans: Possibly a national DM policy preventing development in Flood Zones 2 and 3.

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

Ans: Carbon Impact Assessments of local plans and wider Local Area Energy Plans as Local Plan evidence base.

It is also suggested that government voluntarily assess future changes to planning legislation and the NPPF with UK carbon reduction legislation to ensure the aspirations of the NPPF can be delivered within the remaining carbon budget. It is suggested that the government utilise the expertise available in the UK Climate Change Committee to assist with this process.

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

Ans: Yes. Although keeping the text regarding identification of opportunity sites could be misconstrued as being a requirement, rather than optional. This should be made clearer in the text.

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

Ans: If we want to increase food security and reduce the environmental impact of food production then we should not allow building on best and most versatile agricultural land.

The wider issues around food production and food security would be better addressed through a holistic policy review into food pricing, supermarket influence over pricing and supply, and agricultural land practices. If British produce generated more revenue for growers, and farmers were less reliant on subsidies and diversification, there would be less pressure to release productive agricultural land to other uses.

Question 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?

Ans: Water provision is a nationally significant issue and if the change results in additional reservoirs and other initiatives to provide resilience, it is supported.

Question 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?

Ans: Don't make it a S 106 requirement as the money from S 106 is already spread too thinly.

Given that water companies are currently privately owned businesses, their ability to objectively assess the benefits of new customers versus existing infrastructure constraints is highly conflicted. An independent arbiter of infrastructure needs and capacity should be used in both plan-making and decision-taking, with the ability to mandate necessary investment by water companies where is found to be deficient.

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

Chapter 10 – Changes to local plan intervention criteria

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

Ans: We could support these changes if LPAs were asked to plan to a genuine needs-based approach to housing delivery rather than one based on supply.

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

Ans: As above

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

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

Yes, should be applied to all application types. However, not convinced that £528 covers the cost of such applications.

Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

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

Ans: We do not believe that the current or proposed fee increase covers the costs of dealing with a householder application. If this is the aim, then fees would need to be increased substantially, which would potentially make the process unaffordable and the subsequent consequences.

Question 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?

Yes

No – it should be higher than £528 x

No – it should be lower than £528

no - there should be no fee increase

Don't know

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

Ans: see answer above.

Question 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.

Ans: Prior Notification fees should be increased. They do not cover the cost.

Question 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.

Ans: Listed Building applications; (possibly not for repair).

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below.

Ans: No. LPA's will end up having to demonstrate that the fee is not non profit making. Targets for housebuilding and for economic development where LPA's will potentially be in competition and targets will not be delivered in one LPA area, when a neighbouring authority achieve their targets.

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

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

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

Neither x see above.

Don't Know

Please give your reasons in the text box below.

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

Planning app fees could fund enforcement and heritage (if LB apps remain free). Policy and other wider planning services should be funded centrally

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?

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

Ans: enforcement

Question 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?

Ans: Yes

Question 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.

Ans: LPA's costs should be covered when such circumstances arise.

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

Ans: It should not be for profit but should cover the costs incurred.

Question 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.

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

Chapter 12 – The future of planning policy and plan making

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

Ans: Concern with regard to the potential massive increase in housing numbers and having the time to deliver a new Local Plan within 18 months of the date of adoption of the new NPPF. The evidence bases that are required would take a lot of time as well as finding locations which are sustainable for the new housing figures in two authorities which are rural in nature and with large amounts of protected landscape, as well as all of the other infrastructure needs which will be the result of the increased housing numbers.

Is there capacity in the consultancy sector to be providing help with the evidence base for all of the Local Authorities that will need to be producing their local plans within 18 months? Are there enough Inspectors to carry out the examinations?

Question 104: Do you agree with the proposed transitional arrangements?

Ans: No see above answer

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

Chapter 13 – Public Sector Equality Duty

Question 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?

Delivery of 1.5 Million houses within the next 5 years will clearly impact negatively on some people and positively on others. The provision of such large numbers of housing in rural areas will impact on agricultural land for food production, and negatively affect the ability of towns and /or rural landscapes to function as places, and the natural beauty of protected and other rural landscapes.

The proposed crude uplift in numbers will not benefit millions of people who cannot afford to access the type of home that they need. The crude uplift in numbers will benefit large, volume house builders, and people who already have sufficient capital to buy a home, or multiple homes. The lack of nuance to the delivery of new housing will do nothing to correct market dysfunction, and only perpetuate its failings.

The provision of affordable housing and those for refugees, appears to be massively supported in the green belts but less so elsewhere.