

Appendix 1 – Draft responses to the NPPF consultation (as at 9th September 2024)

Question	Paragraph	Comment
1	Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?	61 (current) 62 (prop.) Yes. In general, all local authorities should plan to meet their arising needs for homes within their local authority area.
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?	61 (current) 62 (prop.) Glossary Yes. A standard method should be just that and this provides clarity to LPAs, residents and developers. It avoids time consuming debates about “how much” housing at plan-making stages where the local evidence and drivers are clear. However, reliance on simplistic methods alone to set the housing requirements of all England’s varied local authorities will fail to respond to all local circumstances and can produce undesirable anomalies. For example, in some northern areas, where housing markets have failed, the amount of stock is leading to high targets that are unlikely to be delivered without a corresponding economic growth strategy and significant funding. A solution to this, for those authorities that need it, would be to reflect functional economic geographies at a larger than local scale; but this has been challenging due to unclear/ineffective national guidance on strategic planning since abolition of regional plans.
3	Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?	62 (current) Yes. The uplift was an arbitrary addition and not based on objective needs. It also lacked a national funding and infrastructure strategy to support continued development in urban areas outside of the south east and recognise that accompanying infrastructure was often out of reach through planning gain, due to such areas being of low value.
4	Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?	130 (current) Yes. Managing change in places should be the role of local planning where the challenges of stitching regeneration and development solutions into existing urban grain of city centres and already dense inner-city areas are complex. Existing character in that context remains important as there are many established neighbourhoods and townscapes that provide a positive sense of place that benefit all, but may not meet the threshold for statutory designation. It is important that densification and urban focus does not erode the ability to give weight to existing character and identity in accommodating new development at an appropriate scale and density. It is agreed that an authority-wide code is not necessarily the best way to approach this. More local design coding enables the reflection of existing character alongside high quality new character. To facilitate sustainable densification, urban focus and high quality new character there must be explicit recognition of the need for cross-government (departmental and agency) integration of policy, funding and delivery tools to ensure the supporting provision of essential community infrastructure such as schools, primary healthcare/wellbeing facilities, sport and leisure facilities, greenspace and transport infrastructure. It cannot be expected that these will naturally be delivered by the market as a product of planning gain, particularly where there are existing and prevailing viability challenges to delivery of the core housing products. Equally it cannot be expected that Local Authorities bear the burden and risk of upfront delivery costs for the essential social goods that will create and sustain places and communities and support economic growth.
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?	Chapter 12 and Glossary Yes. An authority-wide design code is a relatively blunt tool which limits the ability to deal effectively with some of the finer elements that finer grain elements that shape local character (see response to Q4) and lead to a more standardised output. A more targeted use of design codes will direct limited resources to where they are most beneficial – those areas where change is promoted or managed, and do so in a more focussed, effective manner. However, the emphasis given to developing a vision of what good design and a positive sense of place is, specific to that authority area was significant. It would be helpful to re-provide a similar statement of intent elsewhere if possible.
6	Do you agree that the presumption in favour of sustainable development should be amended as proposed?	11 (current and proposed) Partly yes. The Council supports the addition of wording at 11d(ii) as this will help ensure that poor quality speculative development can be better resisted, as it is in nobody’s long term interest to have poor quality homes in the wrong location no matter what the housing land supply position is. 11d(ii) should also reference place-making for health and well-being as well as policies for the climate emergency. However, the Government should take the opportunity to reset the presumption more fundamentally so that it fits better within the “plan-led” system. Often the PIFSD achieves less sustainable development with less focus on planning aspects such as carbon, health and environment. The Government should place the greatest weight on development plans with their allocations, realistic housing trajectory throughout the plan-period and sufficient buffers. LPAs are not responsible for delivering housing, they are responsible for allocating sufficient deliverable land for development and granting timely permissions for housing if both of those elements are in place then developers should not be allowed to “play the system” through the PIFOSD. When up to date plans with deliverable allocations are in place developers should build homes to meet needs at a rate that meet annual targets. But where they do not, it is the developer that should be encouraged to seek and bring forward permissions and not the LPA who should allow the release of more land. This is because land supply is not the only constraint to development – wider macro-economic or market decisions can be too. It is in these cases, where there is sufficiently allocated land to meet targets that are not brought forward and housing targets are not being met, that speculative development through 11(d) loses the trust of the public in both developers and LPAs. Whilst changes to para 11d(ii) go some way to ensuring that speculative development does less harm it may not do so in all cases. Proposed solutions include:

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		<ul style="list-style-type: none"> • being clear in a footnote to 11d that simply because a local authorities housing target is not met does not mean that all its plan policies secure less weight, particularly if permissions are being granted, the Local Plan is up to date, the housing trajectory remains appropriate and there are wider reasons beyond the plan as to the slowdown in building • providing more powers to LPAs to bring forward sites, working with Homes England and Combined Authorities where sites are stalled for genuine reasons • providing more powers for LPAs to compulsorily purchase sites where landowners hold back deliverable sites for reasons of land value expectations • setting a buffer at plan-making stage to pre-empt the potential need for a buffer as set out in para 76 i.e. requiring that LPAs identify through plan making a reserve pool of land, which whilst not being allocated at the time due to the housing needs being adequately met would form a sequentially preferable reserve to be called upon should the operation of the 5YS work against the LPA. This would have been steered by the LPA and have had the involvement of local people through plan-making.
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?	<p>11, 70, 76, 152</p> <p>No. The planning system must remain “plan-led” if it is to maintain the trust of the people in whose interest planner’s plan. There remains a need to incentivise local plan making with the right housing targets and accompanying land allocations. The continual 5 year land supply burden draws resource away from that and can be a 5 ys “tail” that wags the Local Plan “dog”.</p> <p>Instead, a plan should be considered up to date for a period of 5 years from the point of adoption. This provides security against costly, time consuming and resource intensive challenges on housing land supply within the first five years of a plan, when there is greater certainty upon the deliverability of sites upon adoption. Housing land supply appeals have played a major role in a growing lack of trust in planning and developers from local communities.</p> <p>Requirement in legislation to complete a review of the plan within 5 years of adoption provides further guarantee that a plans housing trajectory will be scrutinised and remedied if necessary.</p> <p>The Government needs to avoid a repeat of the past 15 years where similar pro-housing changes to the NPPF failed to bring increases in homes There's some useful tightening of language in the proposed draft and a clear sense that there is no where to hide from housing number obligations. But there were two unintended consequences during the previous period, which this draft does not adequately address.</p> <ol style="list-style-type: none"> 1. LPAs do not build houses, house builders do. Volume house builders tend to build out at the same rate - so to achieve increased volume they don't simply need more sites. Their model needs to change and/or new entrants into the market need to be attracted. So even if planning is no longer an impediment, housing targets are increased and deliverable sites are available, there may still not be the house building activity that the Government expects. The Government need a systemic change across the house building, landowning and property finance and mortgage sectors. This requires a range of interventions: expanding public sector delivery, encouraging SMEs, supporting Registered Providers, making it easier for people to buy and sell homes and right to buy legislation. This includes revisiting some of the work of the previous May Government and the Housing White paper “Fixing the Broken Housing System” e.g. the work of Oliver Letwin on strategic sites and how to run a number of outlets on sites at the same time to attract different house purchasers. 2. Trust in the planning system due to increases in speculative development pressures fell and LPAs are having to repair that. But routes to speculative development, that local people did not expect in their area, outside of a plan led approach, will result in continued frustration and contribute towards a lack of trust in the system.
8	Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?	<p>77</p> <p>Yes. A minimum five years housing land supply should be managed and maintained to ensure there are enough specific deliverable sites in the short-term period at any point and to ensure that investors and developers are able to have sufficient lead in times to maintain a pipeline of sites.</p> <p>However, appropriate weight must be given to emerging local plans that identify housing allocations, to help insulate LPAs from speculative development and ensure that significant land releases only occur through the plan-making process – this is essential to restore trust in plan-making and reward LPAs who are engaged in positive planning.</p> <p>See also response to Q. 6.</p>
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?	<p>76 (proposed)</p> <p>Yes. LPAs understand the application of a 5% buffer is to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.</p> <p>On applying the 20% buffer then changes to the Housing Delivery Test should be considered that take into account the supply of planning permissions approved as well as delivery. This would avoid penalising authorities where sufficient deliverable permissions have been granted but not built, which is outside of the control of a LPA.</p> <p>There should be more of a link between 5YS buffers and local plan buffers with LPAs able to anticipate the need for a buffer in their plan-making stage but insulate against its release until needed. See also response to Q. 6.</p>
10	If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?	<p>76 (proposed)</p> <p>Yes. 5% is considered to be sufficient. For smaller authorities there should also be a choice and range of sites and if a lot of housing supply is tied up in a few large sites it may be that it is the choice and competition in the market for land that is at fault rather than the overall number</p>

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11	Do you agree with the removal of policy on Annual Position Statements?	76 (proposed) 78 Glossary Yes. The need for Annual Position Statements duplicates the need for annually updated SHLAA including five-year housing land supply statements which serve the same purpose.
12	Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?	24 Onwards Yes. The Duty to Cooperate lacks clarity and this change is long overdue. The Council supports more national guidance on this and accepts that there will be a need for interim arrangements. Further consultation is therefore needed on SDS and more clarity on any changes to roles and responsibilities between LPAs and Mayoral SDS. It should be recognised that this may require additional resource, funding, expertise from local authorities given the gap in regional planning and this would be needed up front. The change could offer greater collaboration and shared benefits between core cities like Leeds & Bradford, which could harness significant cross boundary benefits such as through the spatial planning opportunities that Mass Rapid Transit can bring.
13	Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?	36 (proposed) Yes. There is a need for more clarity on the ability of the planning system at local and strategic scale to bring the infrastructure needed for new development. This causes mistrust in the system where expectations are raised as to what local infrastructure will be provided and when. It also causes uncertainty for developers around whether strategic infrastructure will be in place to support their developments e.g. energy, water and impacts on the strategic highways network. Such tests should be appropriately framed as there will be considerable unknowns at the start of a plan-period. Legislative change is needed to ensure that infrastructure providers have a duty to cooperate with LPAs. There is a gap in the strategic alignment of infrastructure at the larger than local level that LPAs are being expected to plug, with variable success and limited resource.
14	Do you have any other suggestions relating to the proposals in this chapter?	There is a need for a great consistency and strategic guidance in planning for infrastructure through the planning practice guidance. National research is also needed on appropriate modern thresholds for infrastructure so that LPAs are able to manage expectations of social and community infrastructure in a manner that assists in delivery Government's ambitious housing targets. It is important to also recognise market dynamics within the planning system and the interface with infrastructure requirements – fixing viability at this moment in time will not necessarily fix it in the long term. Clarity of funding routes is essential for plan-periods with Links back to comments made on Question 5 around if mayoral SDSs have a role here, and is this a way of leveraging funding?
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?	NPPG Yes. Current stock-based statistics are consistent for all LPAs and are not subject to the volatility of datasets such as household projections and this would ensure that housing supply was boosted across all parts of the country rather than skewed to the largest urban areas. The existing use of 2014-based household projections are out-of-date do not reflect housing needs as they simply project forward recent trends in suppressed household formation. However, whilst the proposed approach is straightforward the reality is that the issues behind housing needs are complex. The most populous LPAs are not necessarily the best places to build, the most sustainable or the most deliverable and these factors need to be accounted for. Government will either have to make these places more sustainable, through investment in economic growth and infrastructure or accept that while their housing stock is high their actual housing needs are not. To that end, those local authorities should be able to provide evidence as to why the SM is undeliverable or at least avoid penalties of under-delivery should they materialise. Where market failure affects an authority there will be a danger that this approach is a vicious cycle of unmet targets and release of more and more green belt / grey belt / countryside. A proposed solution would be to develop a methodology which blends existing stock with an element of up to date household projections. These are not easy issues and it is noted that in 2006 the Government in response to increasing house prices, lack of affordable housing and Kate Barker's Review of Housing Supply set up the National Housing and Planning Advice Unit (NHPAU). These challenges have not gone away but there has been very little national or regional consensus on how to tackle them so perhaps a similar approach is warranted at least in the short term to advise government and planners.
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?	NPPG Partly. The application of a multiplier increased to 0.6% from the current method multiplier of 0.25% results in some extremely challenging targets for LPAs that are likely to lead to issues in deliverability. It is considered that the affordability multiplier would be better placed at 0.5% for every for every 1% above the 4:1 ratio where house prices are more than four times higher than earnings i.e. doubling the current weighting. The planning system can only influence the supply side of housing and even then in limited ways. The Government needs to tackle issues with the demand side of house price inflation.

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17	Do you agree that affordability is given an appropriate weighting within the proposed standard method?	<p>NPPG</p> <p>Partly. But having established that the arising needs are driven by AH then AH must be delivered at the right rate to meet those needs. Otherwise the wrong type of housing is built. It is unclear and unproven how increasing the need figure and ultimately influence delivery rates would genuinely reduce housing costs.</p> <p>Therefore, more weight must be given to meeting AH needs.</p> <p>The challenges around the delivery of affordable housing need to be tackled through measures other than simply building new homes. A solution would be to amend the tests of soundness to move away from simply meeting overall housing needs to one where plans are tested on their ability to meet wider needs including AH.</p>
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?	<p>NPPG</p> <p>No. Reflecting rental affordability alongside house price affordability in the model would highlight the strong need for rental market and the unaffordability of it but it is not clear how higher housing targets would remedy this. It would also not be as durable and would need to be updated more often which the SM is seeking to avoid.</p>
19	Do you have any additional comments on the proposed method for assessing housing needs?	<p>NPPG</p> <p>The principle of a standard method is useful. However, a more sophisticated approach to the stock-based uplift by region is recommended to better reflect household projections, market signals, deliverability, and growth strategies. The proposed methodology which will increase the housing requirement for local authorities won't necessarily translate to increased delivery. It also risks leading to speculative developments on isolated sites with no infrastructure.</p> <p>The outcomes of the SM mean that growth will need to be supported across the whole of the country and not just the south-east. This means re-assessing how Government funding for infrastructure and to help support house building is given. Green book currently favours London and south east where land values are higher.</p> <p>The assessment of housing need also needs to be linked to affordability pressure. The delivery of housing which is not linked to meeting affordability needs assumes that if supply increases affordability pressure will reduce and therefore any supply addresses affordable housing need, but this is not necessarily the case.</p>
20	Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?	<p>124 (current) 122 (proposed)</p> <p>Yes support. The development of brownfield land contributes to this in following ways:</p> <ul style="list-style-type: none"> • Increases the density and environmental quality of places to enable more liveable, walkable neighbourhoods that can support public and active travel and reduce car-dependence • Provides opportunities to integrate nature recovery, green and blue infrastructure, and decontamination of land, improving resilience and encouraging nature-first solutions to climate adaptation • Radically transforms places and improves the life chances of existing communities as well as providing homes for new communities. <p>However, the main issue around increasing development on brownfield land within city and town centres is not about lack of policy and the planning system is not generally a brake on re-using brownfield land in principle. Rather there are often issues with the values of such land and the ability of it to deliver schemes that are NPPF compliant without funding.</p>
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?	<p>154 (current) 151 (proposed)</p> <p>Yes partly, But the location of development is as important as the characteristics of the site.</p> <p>Whilst acknowledging the ambition to support use of PDL, the revised text is more ambiguous than the current provisions of para.154g (and the supporting planning guidance (Green Belt - GOV.UK (www.gov.uk) which helps interpret 'openness'). To avoid misinterpretation and difference of opinions "substantial harm to openness of the Green Belt" needs defining in the NPPF or guidance including at what scale should it be assessed, how is it assessed.</p>
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?	<p>Green Belt</p> <p>PDL excludes "land that is or was last occupied by agricultural or forestry buildings" and the Council suggest this remains the case otherwise there is potential for horticulture and other uses to erect development under permitted development rights that over time enables wider development of other use classes. This would be a significant loop hole that should be avoided.</p>
23	Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?	<p>Glossary Also 144 (proposed), 152 (proposed)</p> <p>Yes, for plan-making. The definition is partly clear and in the context of the NPPF as a whole is a useful categorisation to aid plan-makers.</p> <p>No, for decision-taking. It is not a useful definition for decision takers as it relies on subjective judgements that would be best taken in the round through plan making as part of a comparative assessment of land needs to be taken from the Green Belt rather than the absolute quality of the Green Belt in itself. The Council considers that grey belt should be chiefly determined through plan making and that once a local plan is set then the speculative DM route should be closed off. If the Government retains the speculative DM route then the current definition may be subject to some misuse. Only through a wider assessment of green belt can "limited use" be fully understood. For example, a site may make limited use to protecting historic assets but if its the only site fulfilling that purpose then its importance is heightened.</p>

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		The Council understands that in order to stimulate more house building the government is keen to not wait for all LPAs to progress “grey belt” through their local plans. However, this desire should not fix national policy now. See answer to Q xx.
24	Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?	Chapter 13 It is important that genuine natural factors determine the classification. Historic aerial photography will be helpful in this.
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?	Chapter 13 Yes would be best provided as new planning guidance. Most important that it is clear to understand.
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?	Chapter 13 Paragraph 10 of the consultation is quite brief in setting out the type of land making a limited contribution to GB purposes. It’s a definition which should be supported by more detailed guidance to avoid ambiguity and differences of interpretation. The suggested wording to add to the glossary definition should be supported by more detailed guidance as it’s not sufficient as drafted. If LPAs are expected to undertake GB Reviews in response to future growth if insufficient land is available in non GB areas, it is an opportune time for the government to provide guidance on how to undertake GB assessments. There is currently an absence of good practice and guidance on how to interpret the 5 GB purposes.
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?	Chapter 15 This should be a key role of LNRSs which alongside Local Plans can help clarify an approach to extending, improving and connecting natural areas for the benefit of biodiversity. To that end, the development plan is the best place for potentially competing land requirements to be considered and for sites to be assessed.
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?	147 (current), 144 (proposed). 152 (proposed) Glossary Yes. But the Council considers that this must be through plan-making and not decision taking. The LPA should have control over the release of former green belt land whether it is grey or not. This is important as it ensures that Council’s can relate grey belt designation and release to a spatial strategy, locational preferences, infrastructure and local housing needs arising. If this happens instead via decision taking, trust in the system will be lost and it will be difficult to make plans during a period of speculative grey belt applications. A proposed solution would be to allow each LPA that does not have a 5 year land supply against updated standard methodology a period of 6 months to prepare a “grey belt designation plan” where they will list and consult on a suite of suitable grey belt sites. It is likely that these will be readily known to the Council in any case e.g. calls for sites, SHLAA, previously assessed and discounted green belt sites or sites in current draft plans. These can then form a Council-led interim pool of supply until such a time as an LPA adopts a plan with a plan period’s worth of grey belt sites if needed. The suggestion in our answer to Question 6 about plan-making buffers would be relevant to this. In this way the LPA is more in control of release. If after 6 months a list has not been endorsed by the Council then the Government may chose to allow developers to use the definitions within the NPPF. The proposed test of GB land release appears to be based on the identification and availability of Grey Belt sites and whether adjoining Green Belt land is of sufficient value to its originally intended purpose to justify it not being included in release and site allocation. This is a sound starting point, but weight must also be given to viability, scale, locational and placemaking considerations, plus the wider needs of the Local Plan as regards its ability to deliver against the prescribed housing targets. It should be recognised that many Grey Belt sites will be relatively small and disconnected from essential services to sustain communities and so these should be seen as ‘seed’ locations around which a greater extent of GB release could be considered. The extent to which a site comprised of Grey Belt plus associated Green Belt land can be delivered will need to be considered in commercial terms; with clarity on whether it can meet all associated Local Plan policy objectives and the Affordable Housing golden rule; the need, extent and cost of new infrastructure that ensures it is sustainably connected to existing settlements; the critical mass of development that may be required to deliver this infrastructure and any new supporting social infrastructure such as schools and health facilities (or to

Question	Paragraph	Comment
		<p>supplement existing such infrastructure in the adjoining settlement); a design-led approach that identifies the optimum extent and layout of a site taking into account those considerations above. While not Greenbelt, greenfield allocation at EOO with significant infrastructure costs plus 35% affordable housing makes delivery of this site challenging.</p> <p>Consideration and recognition should also be given to potentially preferential positions created by existing or currently planned greenfield urban extensions and the opportunity to increase the scale of these in a sustainable way into GB land, taking advantage of new access infrastructure in place or already planned and enhancing the critical mass to support the delivery and sustainability of essential community infrastructure.</p>
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?	<p>147 (current), 144 (proposed). 151g (proposed) 152 (proposed)</p> <p>Yes. Para 139 should also be amended to highlight the true role of green belts. Where all other brownfield and Grey Belt sites have been optimised and the Local Plan target remains to be achieved through allocations, greater weight should be given to those matters referred in answer to Q28 in allocating the required extent of GB land, where otherwise its original protections may have prevailed.</p>
30	Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?	<p>Chapter 15 – proposal affecting the Green Belt</p> <p>No. It will lead to more speculative development and lose trust in planning. See above in response to Questions 23 and 28. Moreover, one of the main purposes of the GB is to encourage urban regeneration. Having set land release in the local plan which would include a mix of green and brown field sites to assist in the competition for land and meeting needs in different places the LPA should have the certainty that this land will come forward. if there is a route to green belt release speculatively then developers will focus on this rather than brownfield sites making efforts to bring forward urban regeneration even more challenging.</p>
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?	<p>152</p> <p>This could be supported where it can be robustly demonstrated that additional land in the Green Belt is needed to be released in order to provide sufficient land to provide social infrastructure and services to make new housing development sustainable</p>
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?	<p>Chapter 15</p> <p>The nature of some (small scale) traveller sites suits rural environments that are often Green Belt locations. The current PPTS states that G&T pitches within the Green Belt are inappropriate, however compared to other built development, G&T pitches have a lesser impact on openness (single story amenity blocks, caravans and spaces for animals). The G&T community don't have singular needs, and some prefer to live in more rural locations and others urban locations. Any changes to national policy that allow the allocation and delivery of different types and locations of pitches would be supported. Not including G&T sites within the PDL definition would also help secure the long term use of those sites for G&T use, ensuring that they don't become residential (or other uses) through paragraph 154 and its list of exceptions.</p>
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?	<p>Chapter 15</p> <p>A standardised approach to assessing the need for G&T policies would be helpful and speed up the process of conducting one. Any needs methodology should promote collaborative work with local G&T charities where possible.</p> <p>It should be recognised that G&T compete for land against housebuilders and often lose out so release of small parcels of Green Belt is one way in which the balance can be restored somewhat.</p>
34	Do you agree with our proposed approach to the affordable housing tenure mix?	<p>61 (proposed) 66</p> <p>Yes. It is important to stress that an objective of the NPPF and its accompanying objectively assessed needs apply to tenure mix. Otherwise the delivery of market housing in order to meet OAN will often be prioritised against affordable homes. Having made this amend in para 61 it will be important to follow that through to the tests of soundness themselves. To that end, to be positively prepared a plan should meet the areas OAN including tenure types. Para 35 a) does not currently suggest this and should be amended. This amend could be in the footnote 20</p> <p>Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraphs 61 and 62 of this Framework</p> <p>This would ensure that the soundness text relates to both the overall number and tenure of the housing proposed and help LPAs enforce delivery of affordable housing which is hard to deliver.</p>
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?	<p>155 (proposed)</p> <p>The ambition is supported, however this provides too much prescription because local authorities may wish to see much higher levels delivered than 50% and some land values may more readily support this. The policy should say “a. In the case of schemes involving the provision of housing, a significant level of affordable housing (between 50% and 100%) [with an appropriate proportion being Social Rent], subject to plan-making and/or viability”.</p>

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		A high level of Affordable Housing requirement will require significant cross-subsidy within a development, and this will create bespoke viability 'tipping points' related to site size, local market, land conditions (allowing for ground conditions, topography, remediation etc). Currently there is an inability for grant to support s106 delivery. If this was altered, a greater proportion of Affordable Housing through the planning system could be realised as an outcome.
36	Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?	155 (proposed) More thought is needed on the outcomes being sought by this approach. Is the Government seeking higher levels of greenspace than would normally be delivered on housing sites. There may be potential for grey belt sites to more readily support LNRS or Local Plan environmental ambitions for Green Infrastructure and connectivity, but the wording doesn't allow for that. Suggest: C: understanding of the role that the existing grey belt site performed in green infrastructure and the potential role that a well planned development could bring to recreation and the natural environment.
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?	Annex 4 Yes there needs to be a framework established that prevents escalation of hope values and creates 'ransom' positions for Green Belt release site landowners.
38	How and at what level should Government set benchmark land values?	Annex 4 Option b is supported. Government sets policy parameters so that where land transacts at a price above benchmark land value, policy requirements should be assumed to be viable. This sets out expectations and requirements for landowners and developers from the outset. BLV should only apply and be brought to bear where fully compliant and viable schemes cannot be delivered. The burden and risk of land overpaid for should not sit with the LPA to have to seek 'recovery' of unviable policy obligations as under Option C in the consultation – this puts unacceptable presumption in favour of the developer and landowner profit motive. Broadly agree with the principle set out in Option A - the level at which BLV is set should reflect and be comparable with the approach to existing greenfield (non-Green Belt) sites to provide an equitable approach across land holdings and encourage market participation. However it should be acknowledged that there will be a greater burden of policy requirements (and possibly infrastructure requirements) on GB sites and so clarity that the existing BLV is a starting point to be moved downwards where necessary to reflect the impact of those costs. Where developers seek to acquire a market position on GB land through Option or acquisition it should be clear that it is their risk in doing so at a level which may subsequently prove unsupported and undeliverable through viability assessment.
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?	Annex 4 Agree. This provides a clear expectation that schemes should be policy compliant and that this is the priority. It also reinforces that realistic land prices should be set, and that planning policy ask should not take the hit. Realistic benchmark land values for the LPA area reflective of regional variations are key for this to be effective.
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?	Annex 4 Yes as long as affordable housing policy is compliant. That may involve significant contributions for AH based on local needs from Grey Belt sites.
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?	Annex 4 Strongly support. This approach would allow LPA s a mechanism to apply policy compliant schemes and provide a stronger basis for ensuring schemes which are policy compliant are delivered. Strategic viability has already tested local policy and allows a LPA to set out policy ask and local priorities, mechanism such as late-stage viability reviews and claw back overage clauses help to overcome phasing and other deliverability issues.
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	Annex 4 Consultation paragraph Chapter 5 Commercial development should similarly be required to improve the environmental value of land released from the Green Belt. Gypsy and Traveller sites are much needed and the Green Belt can provide the only option for many, but their delivery models are very different to commercial development and they should not have similar burdens placed on them.

Question	Paragraph	Comment
	already considered 'not inappropriate' in the Green Belt?	Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK (www.gov.uk) Chapter 13
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?	Annex 4 Consultation paragraph Chapter 5 Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK (www.gov.uk) Chapter 13 There seems to be no reason why these rules should not apply from publication. Schemes at an advanced stage would be demonstrating very special circumstances in any case.
44	Do you have any comments on the proposed wording for the NPPF (Annex 4)?	Annex 4 The approach is welcomed.
45	Do you have any comments on the proposed approach set out in paragraphs 31 and 32?	Consultation Paragraphs https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework Support this approach. This will help avoid the most sequentially preferable sites not coming forward due to landowner expectations. The Government should also consider a reform of the CPO process as it remains risky and resource intensive for LPAs to use this as an implementation tool at present.

Question	Paragraph	Comment
		and-other-changes-to-the-planning-system#chapter-5--brownfield-grey-belt-and-the-green-belt
46	Do you have any other suggestions relating to the proposals in this chapter?	Proposed Chapter 13, Annex 4 and the Golden Rules No
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?	66 Yes. Welcome the explicit recognition of the importance of Social Rent as the most affordable tenure that meets the needs of those furthest from the housing market. Also welcome the principle that this should be embedded in the setting of policies for affordable housing. The provision of social rent (rented at the target rent) should be explicitly prioritised across build for sale and build for rent schemes. So called “affordable rent” is often not affordable especially to those on lower decile and even lower quartile and median incomes as developers inevitably fix affordable rents at the upper level allowed in the NPPF i.e. 20% below local market rents. It would be useful if this greater emphasis on social rented was supported by further revisions (including to the definition of Affordable housing for rent in the Glossary) which will make securing affordable rents at more than 20% below market value much easier – see question 57.
48	Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?	66 Yes, levels of affordable home ownership products should be set locally to reflect evidenced local need.
49	Do you agree with removing the minimum 25% First Homes requirement?	Written statements - Written questions, answers and statements - UK Parliament Yes, affordable housing tenure splits should be set locally to reflect evidenced local need. It would have had the effect of substituting affordable rent housing on s106 affordable housing agreements.
50	Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?	Written statements - Written questions, answers and statements - UK Parliament Support the inclusion of affordable home ownership as a useful tool for LPAs at their discretion to use where their local circumstances require one but local circumstances should drive the type of AH product needed rather than a compulsory national requirement for a product. There is some demand for First Homes in Leeds, but recent SHMA evidence indicates a level of need for all types of affordable home ownership that would justify less than 25% of all affordable housing need. With this in mind, the “broadening out” of First Home Exception Sites would be useful. This could be in terms of any affordable housing for first time buyers – as the previous entry-level exception sites – or it could be broadened further to include other types of affordable housing not just for first time buyers. This could be an opportunity to promote the delivery of social rented in line with Q 47. First Homes place an unfunded administrative burden on Local Authorities, which requires dedicated resources and systems for the management of their delivery, monitoring and onwards sales. This cannot be properly supported where the product comes forward on an ad hoc developer-proposed basis.
51	Do you agree with introducing a policy to promote developments that have a mix of tenures and types?	61 (proposed) 63 64 66 69 Yes in terms of creating mixed communities and allowing for certain elements to be delivered before others but it would be complicated and likely to be time consuming as different elements would need to be considered under different policies whilst not losing sight of the overall scheme and disaggregating the elements too much. Different developers could be involved in different elements and complex and lengthy negotiations could be inevitable. A number of long, complicated S106 agreements could be necessary which would slow down the process.
52	What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?	Chapter 5 Private site owners will have limited incentive or motivation to develop a housing mix that delivers less profit than a minimum policy AH % approach. High % Social Rent / Affordable Housing developments will best be achieved where there is an alignment between policy and delivery tools and a more prescriptive site-based allocation of higher affordable/social housing requirement. Market forces alone will not deliver higher AH levels on sites unless these are set in policy and there is an element of public funding directed towards the site. This will need to be identified and allocated at plan-making stage and prescribed so that wider economic factors do not disrupt their delivery at decision taking stage, where too often plan-led viability is diminished through individual decisions that rely on national viability guidance.

Question	Paragraph	Comment
		<p>Currently there is an inability for grant to support s106 delivery. This should be altered to allow a greater proportion of AH through the planning system.</p> <p>LPAs should be encouraged to consider the role that land value capture plays in their spatial strategy and their ability to deliver the AH needed. This should be a factor that can influence a spatial strategy.</p> <p>Allocation of specific sites for AH should be encouraged and where there are no willing landowners the Local Plan should identify the most appropriate sites where this is achievable.</p> <p>Plans could identify 'priority areas for affordable housing provision' in areas of particular need identified through up to date evidence e.g. SHMA.</p>
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?	<p>Chapter 5</p> <p>To meet backlog and future affordable housing needs there is a need to develop with economies of scale - large/dense sites will need to part of this. High quality design and tenure-blind approaches will be critical; often the social and environmental challenges associated with large concentrations of affordable/social housing derive from the lack of community infrastructure, degraded management resource and poor connectivity to social and economic opportunity. A coherent approach to community services, place making, infrastructure and regeneration will be critical to ensure mistakes of the past are not made again.</p> <p>The RP sector suggests that for traditional low-rise development for 100% Social Rent, the sector sees a threshold size of c. 50 homes. The sector would and does develop larger sites but promotes a mixed tenure approach on these sites offering low-cost home ownership alongside rented products to provide for mixed communities and improved sustainability of place. For high rise developments, such as apartments, experience suggests that a mono tenure approach is preferred to help with the management of the building and residents, but with tenure mix achieved through masterplanning of wider areas rather than individual buildings.</p> <p>Provisions to ensure there is not an over-concentration of developments with high amounts of affordable housing which could create ghettos, and these are not disproportionately located where land is cheaper and costs are lower. Affordable housing should be provided where needed, which includes high value, expensive areas.</p>
54	What measures should we consider to better support and increase rural affordable housing?	<p>Chapter 5 – 80 to 82 (proposed)</p> <p>Prioritise affordable housing delivery where evidenced local affordable housing need has not been met though proposed development must still meet other national policies and policies of the Local Plan.</p>
55	Do you agree with the changes proposed to paragraph 63 of the existing NPPF?	<p>63</p> <p>Yes</p>
56	Do you agree with these changes?	<p>Consultation Paragraphs</p> <p>Yes. Although there may be concerns over whether a community group, especially one which has no experience of house building, is capable of undertaking such complicated and potentially risky projects. Would be useful to have some requirements for a community group to show they have the necessary technical, legal, financial etc provisions in place so that future occupiers are protected.</p>
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?	<p>Glossary</p> <p>Yes, this should make it easier for non-RPs providing they can show they are able to deliver, manage and maintain affordable housing for rent in perpetuity and to help make rents more affordable at a time when there is a cost of living crisis and rents have increased much faster than wages. 20% below market value is not affordable for many.</p> <p>Suggest: a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at a level (including service charges where applicable) that is affordable to those whose needs are not met by the local private rental market. least 20% below local market rents (including service charges where applicable) Priority will be given to Social Rent and 20% below market rents will only be acceptable if lower rents are proved to be undeliverable; (b) the landlord is a registered provider, or an organisation or company that proves it complies with the regulatory standards except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price in perpetuity for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).</p> <p>Note that Affordable Housing that is not delivered or managed by RP's should still be subject to the same requirement to be affordable in perpetuity and as such will need similar regulatory arrangements. These may require a greater strength of contract between the developer and LPA, than RP's have where that regulatory function is provided by Homes England and the RSH. This would be to avoid situations where the original good intentions behind a community-led scheme get lost over time, and the affordable housing basis for planning approval is later undermined by use or sale for non-affordable purposes.</p> <p>It must also be recognised that the NPPF definition of Affordable Rent, which categorises this as being up to 80% of Market rent, is not affordable for many. Government should consider in the round how the Affordable Rent definition can be linked better to income.</p>
58	Do you have views on why insufficient small sites are being allocated, and on ways in	<p>11, 23, 67</p> <p>Identifying and bringing forward small sites often takes as much time as larger sites and local authority resources are stretched. Development industry is geared towards the promotion of larger sites and these have to be engaged with at plan-making. Owners of small sites do not always engage with LPA plan-making as they are not necessary thinking in longer time frames. In a city the size and complexity of Leeds it is assumed that smaller windfall sites will emerge throughout the plan period and that these will contribute to the plan's housing trajectory if</p>

Question	Paragraph	Comment
which the small site policy in the NPPF should be strengthened?		they are suitable and sustainable when measured against criteria for windfall. The NPPF should promote this approach as it saves considerable time spent at plan-making having to justify every site. Providing that a LPA can justify a trend in such development it should form a pool of potential supply. Government can work to promote the benefits of small site developments to landowners and SMEs.
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?	Chapter 12 Title 138 (Current) – 135 (proposed)	Yes. While the desire to use more accessible terminology was laudable, 'beauty' and 'beautiful' were hard to define and caused confusion. The previous terminology was well established, referenced against theory and practice, and had been tested. Please revert solely to terms such as 'good design', 'well-designed' etc. Suggest deleting reference to Building for a Healthy Life which is too loose and open to interpretation/manipulation to be of practical use. It is merely a diversion. To allow suitable transition to design codes references to existing local policy including Neighbourhood Plans which may have reference to area specific design would be helpful.
60 Do you agree with proposed changes to policy for upwards extensions?	122 (proposed)	No. Whilst it is agreed that upwards extensions can be appropriate where in keeping with the surrounding context, upwards extensions can have a significant impact on local character. Streets are not always uniform, taking prevailing form is an oversimplification, which ignores position, building form, topography etc. Each case should be judged purely on its own merits. The success in delivering the initial aims versus the impact requires review. Is the positive approach to upward extensions delivering significantly more dwellings or simply increasing the size of existing properties? In high flood risk areas upwards extensions should not be encouraged without a thorough consideration of the likely flooding impacts because increasing the numbers of people living in areas of high flood risk can add to the burden of emergency planners during a time of flood.
61 Do you have any other suggestions relating to the proposals in this chapter?	Chapter 11	No
62 Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?	84 (proposed) 85 (proposed)	Clarification required as to whether Para 84(b) mean that plans have to specifically allocate for these specified uses for a modern economy? If so, clear definitions of these uses would be required, and additional guidance provided as to how the need for such uses is determined at a local authority or sub-regional geography over and above other anticipated needs for commercial space. For a commercial use that falls outside of the specified uses, how would it be determined whether it helps meet the needs of a modern economy or not? Do the specified uses take priority over other industrial / employment uses and how would this be assessed and balanced 85(c) is appreciated in allowing flexibility for LPAs to pursue local needs and support existing premises but could be too vague (i.e. how is importance assessed) and does this assume that the expansion / modernisation of industries that aren't 'important' would not be supported? How does this approach differ from existing? In addition to the points above, of relevance to this section of the NPPF, we are of the view there should be a specific requirement to safeguard rail heads and canal wharves from alternative development which would put them out of use. Once such infrastructure has gone it is very costly to replace it. Such infrastructure is important to make the most of low carbon freight movements eg by water and rail. Moving goods by HGV produces higher greenhouse emissions and other polluting gases compared to barge and train. New paragraph 85b) is welcomed but is not strong enough to support planners in safeguarding rail heads and canal wharves, thus much time will no doubt be spent in examinations in public debating whether or not this is the Government's intention. For the avoidance of doubt and to reduce time at EiP new paragraph 85 b) should include a specific and clearly worded instruction to safeguard rail heads and canal wharves which are needed for the loading /unloading of bulky goods
63 Are there other sectors you think need particular support via these changes? What are they and why?	Chapter 6	There is a need to support and protect the creative and cultural industries that often need bespoke studio space, rehearsal rooms, music rooms, film and photography studios etc. The focus is on large sheds / strategic sites but support also needed on SMEs / start ups / incubation spaces / micro-units / affordable spaces. We would also encourage stronger references to advanced manufacturing / other industries that create high skilled and high paid jobs (such as low carbon/green job industries). Distribution and data centres, whilst being vital can also (depending on the sector) hold limited wider economic value with low employment density and high space requirements.
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?	Chapter 7	Don't know. This might free capacity up for LPAs but would it speed up development (i.e. would the NSIP granting process be quicker than the DM process)? Clearly this would have to be dependent on the scale of development by introducing floorspace / land or number of proposed employee thresholds.
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?	Chapter 7	We would agree that thresholds should be set either at a certain scale. Whilst we have no specific suggestions for an appropriate scale, clearly it would need to set at a threshold between serving local needs and that which serves a wider / strategic national need and be based on clear and robust evidence.
66 Do you have any other suggestions relating to the proposals in this chapter?	Chapter 7	Yes, we believe that updated guidance is needed on assisting with plan-making and assessing future employment demand and needs. There is a lack of clear, up-to-date guidance on this, especially compared to housing targets, leading to lack of clarity for developers and plan-makers, as well as inconsistencies between LPAs

Question	Paragraph	Comment	
67	Do you agree with the changes proposed to paragraph 100 of the existing NPPF?	98 (proposed)	<p>Yes agree. This is essential in order to create sustainable and liveable communities and avoid placing pressure on existing services to the point that they are not able to cope with growing residential population. Local Planning Authorities do not, however, have the powers to deliver infrastructure, they are dependent on the cooperation of infrastructure providers in a system which is fragmented and under-resourced. In order to support timely decisions on planning applications, the principles of para.27 need to be achieved by working strategically with infrastructure providers including health authorities. This would be greatly assisted if there was a formal duty to consult with health authorities when considering planning applications, master plans and Local Plans in order to consider individual and cumulative impact of development.</p> <p>There needs to be sufficient investment in infrastructure. Supporting housing growth should merit, and be supported by capital investment in health infrastructure, particularly GP and neighbourhood health infrastructure, not just investment in large infrastructure projects such as hospitals, to help address local population/health inequality needs. The community estate should be named as a priority for consideration for developer receipts not just hospitals where a small fraction of health gain is achieved. Capital investment in this regard should encourage not only traditional GP surgery based assets but increasingly technological, digital and the wellbeing/multiuse/multiagency estate. Cross departmental liaison with the Department of Health and Social Care (DHSC) to support infrastructure investment for housing growth would increase GP confidence and allow for more creative and planned solutions. It would allow and accelerate match funding opportunities with developer funding receipts obtained through local planning policies. This would be in line with the DHSC's ambitions for increased GP, neighbourhood and preventative responses.</p> <p>However, it needs to be acknowledged that there will be a cost associated to this and a requirement for greater collaboration which may need to be facilitated and coordinated by all parties.</p>
68	Do you agree with the changes proposed to paragraph 99 of the existing NPPF?	97 (proposed)	Agree and welcome acknowledgement of range of types of education facilities needed. Important to acknowledge associated costs of this alongside development.
69	Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?	112 and 113 (proposed)	<p>Partly. We welcome a "vision led" approach. This will enable the City to better implement its connecting Leeds strategy through planning. It is positive to not base future use on past trends which can help in achieving ambitions to reduce the number of cars using road network and enable future reduce of capacity. This suggests a move away from "predict and provide" approaches to transport which is also welcomed and will enable active modes to be more encouraged and enforced through policy and decision taking. It would be helpful if the NPPF or PPG clarified whether the intended vision is expected to be in the Local Plan, Local Transport Plan, both or in addition via each individual planning application.</p> <p>However, In 113 the addition of "in all tested scenarios" can not be supported. It would encourage off-peak / overnight assessment of schemes that demonstrate no severe impact.</p> <p>We would also ask that further guidance on "impact on highway safety" be provided, especially when EIA guidance gives suggested assessment.</p>
70	How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?	Chapter 8	The NPPG states that factors such as health indices can be used in decision making, this should also be enshrined fully within the NPPF. Clearer links to Marmot City principles can better support local authorities in this. Alongside this, clearly referencing 'accessibility' in regard to disabilities – ensuring that due consideration is given to the accessibility needs of everyone. Reference 'accessibility' and 'safety and inclusivity' in regard to gender – due regard given to considering how all genders use and access space. Reference importance of ground floor active frontages for improving safety.
71	Do you have any other suggestions relating to the proposals in this chapter?	Chapter 8	The government should unblock the publication of the revised Manual for Streets with an emphasis on active travel and a revised approach to vehicle infrastructure. This is more likely to advance the delivery of healthy and safe communities than revisions to Chapter 8 alone.
72	Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?	Chapter 14 164 (?)	Yes
73	Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?	Chapter 14	Yes, this needs to be followed with signposting to guidance that such developments can benefit from, as well as a clear understanding on the definition of 'low carbon energy'.
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	Chapter 14/15	Yes, or they should be avoided altogether if the development would negatively affect their ability to function as carbon sinks.

Question	Paragraph	Comment
	habitats and/or compensatory mechanisms put in place?	
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?	Chapter 14 Yes
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?	Chapter 14 Yes
77	If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?	Chapter 14 N/A
78	In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?	Chapter 14 <p>The Government should deliver energy demand reduction through new development, not just carbon reduction. Homes should not be unaffordable for people to heat. We would request that the Government withdraw the December 2023 Written Ministerial Statement (WMS) that is restricting LPAs' ability to set energy efficiency standards for their area. The WMS prevents LPAs from setting standards using Energy Use Intensity (EUI) targets as the metric, yet a number of LPAs, such as Leeds, have researched this and found that the EUI is the best metric to use. It is our view that national guidance should be amended to promote the use of EUIs and Space Heating demand, rather than relying on Building Regulations, as a mechanism to deliver low energy use development. We would also suggest the following interventions:</p> <ul style="list-style-type: none"> A. Propose a nationally recognized, uniformly implemented, whole life carbon reporting tool that also clearly states the divergence from net zero carbon (operational and embodied). B. Along with Building Regulations set minimum levels of carbon emissions across the different life cycle stages. C. Strengthen wording and guidance around sustainable redevelopment, retrofit and re-use of existing buildings. D. Clear policies on energy distribution and storage, as well as energy generation, to support the operation and decarbonisation of the National Grid. E. Provide a national standard and target for embodied carbon <p>In addition, we would request a stronger shift towards better post-occupancy reporting to ensure that the real world performance of buildings matches the details of what was approved. There already exists guidance on how such assessments should be completed (e.g. Post Occupancy Evaluation (architecture.com)). Greater weight could be given to standardised assessments by enshrining it within national policy.</p>
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?	Chapter 14 <p>It is our view that energy efficiency measures should not be restricted to using the Target Emissions Rate. Most of the available up to date evidence strongly suggests that energy use intensity (EUI) is a better metric to use, and yet as a result of the 2023 WMS LPAs are now prevented from using them.</p> <p>In addition, through our Local Plan Update consultation exercises it became clear that, the knowledge and current use of tools such as PHPP is limited to specialised small and medium housing development. More should be done to promote the wider use of these tools, that will record the carbon (including embodied) and energy cost of developments more accurately, through national policy and guidance.</p> <p>Currently there are several tools available in the market with different accessibility levels catering to different end goals. There is a need for the Government to recognize and favour an umbrella reporting tool, so that there can be consistency and uniformity in reporting carbon and get a true picture of progression on the path to Net Zero for built environment.</p>
80	Are any changes needed to policy for managing flood risk to improve its effectiveness?	Chapter 14 <p>More guidance is needed on how to define functional floodplain in urban areas in the light of the change in the definition in the NPPG in August 2022.</p> <p>The NPPF should make clear that land raising is not supported in the functional floodplain. There are not enough resources for LPAs to check that flood risk conditions have been adhered to. Without enforcement it is too easy for developers not to install flood mitigation features with the result that some development is making flood risk worse. The LPA may not become aware of this until after a development has flooded.</p> <p>The guidance is not clear about what to do in a situation where an outline consent has been granted but flood risk gets worse and the site is then shown as a higher flood risk zone on the EA Flood Map for Planning. Where a site is in flood zone 1 and an outline consent is granted there would have been no requirement to pass a flood risk sequential test, but by the time the reserved matters application comes in the site is in zone 2 or 3 and therefore at odds with the principle of avoiding the flood risk and the LPA is unable to require a sequential test because</p>

Question	Paragraph	Comment
		<p>the principle of the development has been agreed through the outline consent. In those circumstances the NPPF or NPPG should make clear that a sequential test is required with the reserved matters application and if it can't be passed then the outline consent should be considered null and void.</p> <p>In addition:</p> <ul style="list-style-type: none"> • Surface water flood risk - there needs to be more parity of weighting of surface water flood risk concerns so they align with fluvial flood risk considerations. • Sequential test - there is not enough guidance on determination of the sequential test to ensure that new development avoids (where possible) flood risk areas and this only gets resolved through appeal decisions. • NPPF and PPG -greater clarity is needed around their interaction and advice as to which (if at all) has precedence, for example the NPPG has expanded the definition of functional floodplain but the NPPF has increased the quantum of development and inevitably this will lead to a dilemma for LPAs to find space for both water and development in our cities. • Functional floodplain – there needs to be strengthening of guidance to ensure no raising of land within functional floodplain. • The NPPF should make clear that flood risk is a Material Planning Consideration. • Implementation of Schedule 3 with nationally consistent technical guidance - West Yorkshire LLFA's have concerns as to how LLFAs will ever be fully resourced to become SABs. If the concern with the status quo is 'water quality' then the NPPF should be amended to include a requirement for all new development to provide appropriate levels of water quality treatment. This will probably mean that roads will need to incorporate SuDS, which is not an unreasonable ask. The Highways Authorities would then be responsible for maintaining them, which will require adequate resourcing. • There should be a national increase in the design standard for repair/replacement of the public sewerage system to prevent surcharge and flooding in excess of 3.33% AEP event. 1% AEP + Climate Change. • There should be a requirement for consents under the Land Drainage Act 1991 to be agreed with the relevant Risk Management Authority prior to planning permission. • Sustainable drainage systems for major developments should take account of advice from the relevant internal drainage board if the development is within an internal drainage district. This is consistent with and should be additional to the existing requirement for advice on SuDS from LLFAs within paragraph 175(a) of the NPPF. • Internal Drainage Boards should be a Statutory Consultee. • Guidance should advise how permitted developments can be better informed about requirements for consents under the Land Drainage Act 1991.
81	Do you have any other comments on actions that can be taken through planning to address climate change?	<p>Chapter 14</p> <p>Given their carbon emissions, coal and shale gas should not be included as 'mineral resources of local and national importance'. They are not 'minerals which are necessary to meet society's needs'. If they are removed from this list then LPAs/LMAs do not have to define mineral safeguarding areas for them, saving time and effort.</p> <p>We would also advise that recognizing the value and potential of Embodied Carbon to unlock redevelopment, retrofit and re-use would be of huge benefit.</p>
82	Do you agree with removal of this text from the footnote?	<p>181</p> <p>We would support the removal of this text largely because the original wording was unclear how the 'considered' test should be met or how much weight the overall availability of agricultural land for food production should be weighed in the balance by an individual local authority that does not have responsibility for a national agricultural strategy.</p>
83	Are there other ways in which we can ensure that development supports and does not compromise food production?	<p>Chapter 15</p> <p>Clarity on the future production and publication of a Land Use Framework, as previously championed by DEFRA.</p>
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?	<p>Chapter 14/15</p> <p>Water efficiency measures should be tighter, they are not expensive and are simple to install. Leeds has a policy to require the tighter water consumption standard in building regs but this was hard won and should be standard rather than having to be debated through the Examination in Public process.</p>
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?	<p>Chapter 14/15</p> <p>Update Planning Practice Guidance on how water should be dealt with in planning and who is responsible at each stage.</p>
86	Do you have any other suggestions relating to the proposals in this chapter?	<p>Chapter 14/15</p> <p>Any intervention needs to be clearly managed so that LPAs know that to expect and what the outcomes of the intervention are meant to be. to that end, scoping analysis will be critical to understand individual circumstances.</p>
87	Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?	<p>Consultation Paragraphs</p> <p>Interventions must be used flexibly to allow for the circumstances of individual LPAs. For example, performance may be affected by factors that intervention will not remedy such as lack of resources, volume of representations, delays in statutory consultee responses.</p>
88	Alternatively, would you support us withdrawing the criteria and relying on the	<p>Consultation Paragraphs</p> <p>No comment</p>

	Question	Paragraph	Comment
	existing legal tests to underpin future use of intervention powers?		
89	Do you agree with the proposal to increase householder application fees to meet cost recovery?	Consultation Paragraphs	Yes.
90	<p>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.</p> <p>If Yes, please explain in the text box what you consider an appropriate fee increase would be.</p>	Consultation Paragraphs	<p>The fee should increase by at least 100% to approach cost recovery. The time and resource required on average to deal with householder applications far exceeds the current fee level. The cost should be fully borne by the applicant who will benefit from the development rather than other Council taxpayers</p>
91	<p>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?</p> <p>Yes No – it should be higher than £528 No – it should be lower than £528 no - there should be no fee increase Don't know</p> <p>If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.</p>	Consultation Paragraphs	Yes
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.	Consultation Paragraphs	<p>Fees for the discharge of conditions for commercial applications are inadequate, particularly where multiple conditions are submitted for discharge under one application. The fee should be £145 per condition given that they can be complex and require input from a number of specialists</p> <p>The £43 fee for discharging a Householder condition barely covers the cost of validation and should be raised to a minimum of £80.</p> <p>The fee for prior approval applications are very low when the work required to deal with these submissions is taken into account. The complexity is now similar to that of a full planning application, with impacts to be assessed for example highways, contamination, noise, flooding etc for office to residential conversions. The fees should equate to the planning application where such a change or development is not permitted development via prior approval.</p>
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.	Consultation Paragraphs	<p>Fees need to be introduced for applications to review old mining (and quarrying) permissions. These application types are currently free of charge but are time consuming and require a full review of all approved plans and planning conditions.</p> <p>Given that there is a significant cost to the LPA of dealing with them, all applications including listed building consents, tree works etc should attract a fee that is designed to achieve full cost recovery.</p>
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.	Consultation Paragraphs	Yes
95	Question 95: What would be your preferred model for localisation of planning fees?	Consultation Paragraphs	<p>Not full localisation – this would be very difficult to set up / calculate and contentious in seeking to demonstrate the cost to developers. There would be concerns about significant variations between adjoining LPAs</p> <p>Local variation, whereby the LPA has to justify a premium on specific types of application to set an additional fee above the existing, would be more appropriate.</p>

Question	Paragraph	Comment
	<p>Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.</p> <p>Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.</p> <p>Neither</p> <p>Don't Know</p> <p>Please give your reasons in the text box below.</p>	
96	<p>Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?</p> <p>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?</p>	<p>Consultation Paragraphs</p> <p>Yes</p> <p>DM is part of a wider function and relies on the formulation of policy in accordance with national planning requirements, and related specialists such as in heritage or design to appropriately consider applications. The planning authority could not operate without these services, and they should be fully covered by planning fees</p> <p>Fees for minor applications should double as per householder applications. There is complexity in say a scheme for 6 dwellings with various consultation requirements and inputs required, particularly where there are multiple site constraints which is often the case</p> <p>Major development fees should increase by a smaller amount, approx 15%, given the already recent significant increase.</p>
97	<p>What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?</p>	<p>Consultation Paragraphs</p> <p>Enforcement, as well as at least the relevant elements of all services that contribute to the planning process –Policy, Highways, conservation, design, landscape etc and allow appropriate decisions to be made in accordance with national and local policy.</p>
98	<p>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?</p>	<p>Consultation Paragraphs</p> <p>Yes, agree.</p> <p>This should be full recovery for all the council services directly and indirectly involved.</p>
99	<p>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.</p>	<p>Consultation Paragraphs</p> <p>We recommend that any type of host and neighbouring authority should be able to recover its proportionate costs in respect of being a consultee body in the DCO process, and recommend cost recovery for all 3 stages of the NSIP process, namely the pre-application stage, the examination stage, and the discharge of requirements stage. Cost recovery for each stage could be enabled via a set fee schedule imposed by Central Government, where fees for host-authority involvement in each stage could be set higher than fees for neighbouring authorities, which tend to have less involvement. However, it should be acknowledged that for some particular NSIPs, where notable cross-boundary effects are likely to arise, a set fee schedule may not allow for the recovery of all costs invested by a neighbouring authority in the pre-app stage and examination stage. It may therefore be more appropriate for proportionate costs to be recovered via a Planning Performance Agreement, as has been done by the LPA and LCC. If PPA's are to be the preferred route for cost recovery, then it would be helpful for Central Gov to set the chargeable fee (fee per hour of officer's time), to provide for a national consensus. For the post-decision stage of an NSIP, the LPA at LCC has entered into a Service Level Agreement with an NSIP applicant, for the purposes of ensuring cost recovery for time spent, as well as providing for discharge requirements to be considered and determined within a set time period (i.e. 5 weeks rather than 8 weeks). The SLA replaced the need for a PPA for this stage of the NSIP process.</p>
100	<p>What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?</p>	<p>Consultation Paragraphs</p> <p>No limits should be set for cost recovery, within the terms of the Local Govt Finance Act 2003</p>
101	<p>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</p>	<p>Consultation Paragraphs</p> <p>To date, the LPA at LCC has acted as statutory consultee for 4 NSIPs but only in the capacity of host authority for 1. As host authority, we have made a charge of £100 per hour of officer time. As neighbouring authority, we have made no charge. We have sought to calculate costs on the extent of our involvement using foresight and best endeavours, and have agreed the costs with an applicant before entering into a signed PPA. Any additional costs to be recovered, over and above those originally calculated at the beginning of the PPA process, have successfully been recovered via agreement with an applicant. However, this is at particular risk should an applicant decline to pay additional fees. For this reason and given the difficulties</p>

Question	Paragraph	Comment
	welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.	experienced in applying foresight to cost recovery, it may be more appropriate for Central Gov to issue a set-fee schedule based upon the actions required to be undertaken by Local Authorities in the DCO regime.
102	Do you have any other suggestions relating to the proposals in this chapter?	Affected Local Authorities, whether host or neighbouring, should be enabled to recover costs associated with their involvement in the NSIP process. The cost per hour of officer time (including VAT) to be charged to recover our resource should be set by Central Gov to provide for consistency and certainty.
103	Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?	<p>Whilst we have no objections to the transitional arrangements, the phrasing in para 226 that “where a, b or c applies, the plan will be examined under the relevant previous version of the Framework” strongly implies that LPAs will have no choice in this matter. However, it may be the case, that even if a, b, or c apply that the LPA wishes to be examined under the new NPPF to ensure that their policies are as up to date as possible. We believe that LPAs should have this choice.</p> <p>In addition, para 227 appears vaguely worded and does not provide clarity on whether these newly adopted plans will have weight and how quickly they will be expected to be reviewed.</p>
104	Do you agree with the proposed transitional arrangements?	See answer to Q. 103
105	Do you have any other suggestions relating to the proposals in this chapter?	No
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?	