

Appendix

RESPONSE TO DRAFT NPPF CONSULTATION QUESTIONS

Planning for the homes we need

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

The proposed change would remove wording relating to the Standard Methodology as an 'advisory starting point' for assessing housing need (prior to the assessment of any constraints through the Local Plan process). It is preferable to provide greater clarity regarding how the standard method should be used to establish a housing requirement figure. Please see response to question 2.

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

Partially agree - As above, agree that it is preferable to provide greater clarity regarding how the standard method should be used to establish a housing requirement figure. However, there will be circumstances when an alternative approach is justified and therefore there should still be reference to exceptional circumstances. It is also not clear to what extent other approaches have been used by other local authorities; or how these have been justified.

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

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

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

Partly. Paragraph 130 makes clear that significant uplifts in the average density of urban areas may be inappropriate if the resulting built form would be wholly out of character with the existing area; and then goes on to refer to area-wide design codes.

Design code work is extremely resource intensive and could in fact slow down the preparation of Local Plans. It is agreed that it should be more targeted to those areas that will more clearly benefit, and therefore references to area wide codes adopted as part of the development plan should be deleted.

The reference to significant uplifts should remain; good design should have regard to the character of the surrounding area particularly in sensitive areas such as conservation areas or other heritage assets.

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

Agree – Yes, area wide design codes are extremely resource intensive, and could slow down the preparation of Local Plans if they are to be integrated. These should be focused in areas of greatest change.

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

The proposed provision of affordable homes (as mentioned in the proposed change to paragraph 11d) should not be sufficient for inappropriate proposals which are inconsistent with a recently adopted plan, to be given permission.

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

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

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

Disagree - It is unclear how the changes would 'celebrate strong delivery records'.

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

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

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

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

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

The Borough Council did not use Annual Position Statements.

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

Agree - Welwyn Hatfield welcomes additional support for cross-boundary and strategic planning, where the geographies are developed with the relevant local authorities.

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

It should be recognised that the same level of evidence relating to deliverability and viability can be difficult to demonstrate for large scale infrastructure projects compared to smaller housing and employment schemes.

A new Standard Method for assessing housing needs

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

It is considered preferable to have a stable baseline compared to household projections which have known limitations, are subject to change every two years, and often fluctuated considerably which created uncertainty. If household projections were to remain a factor in calculating need, they should be based on up-to-date projections rather than the outdated 2014 based ones currently used.

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

It is agreed that using an average affordability is preferable than using a single year.

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

Affordability is an important factor however officers are not in a position currently to be able to determine whether the appropriate weighting has been applied due to the technical nature of the issue and short period in which to prepare a response to the consultation.

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

Rental affordability is an important issue, however, might be more appropriately dealt with through Housing Needs Assessments - identifying appropriate tenure splits, rather than through impacting the overall housing requirement figure.

Brownfield, grey belt and the Green Belt

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

It does not seem to be clear what the term 'brownfield passports' is referring to. The proposed wording makes clear that the development of brownfield land within settlements for homes and other identified needs should be regarded as acceptable in principle. It is not clear how this might affect small rural settlements with other constraints - for example conservation areas - where additional development might have a significantly adverse impact on character. It should be made clear that these other factors can and should be taken into the planning balance.

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

The associated text in the consultation document (chapter 5, paragraph 6) says that it "makes no sense" to protect former "petrol stations or carparks".

Depending on the details of particular proposals, redevelopment of isolated previously-developed land (PDL) sites such as these could certainly result in "substantial harm to the openness of the Green Belt". A focus on individual sites such as these would be an inappropriately non-strategic approach to Green Belt release.

If the intention is take a much more 'permissive' approach to the development of PDL Green Belt sites, it would seem appropriate to amend the NPPF reference to 'openness' as being one of the 'essential characteristics' of Green Belts (current paragraph 142).

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

The definition of 'grey belt' would benefit from a definition of what constitutes 'limited contribution' to Green Belt purposes. There also seems to be potential for confusion between the terms 'contributing to' and 'performing against' Green Belt purposes.

'Grey belt', as defined, seems to focus on 'sites' (at chapter 5, paragraph 8) and 'parcels' of land (in the glossary definition), reference is made elsewhere to 'sustainable' locations.

Concerns exist that the definition may result in pressure for residential development in unsuitable locations, such as isolated petrol stations remote from local services and public transport.

It is noted that The Secretary of State described 'grey belt' as "land on the edge of existing settlements or roads, and with little aesthetic or environmental value"; however, the NPPF definition does not refer (or at least, not directly) to "land on the edge of existing settlements or roads", nor to "aesthetic or environmental value". Clarity is essential to address any potential discrepancy, which could give rise to confusion and debate with regard to applications and appeals.

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

It is not clear what exactly is meant by the term 'high performing', however chapter 5, paragraph 8 seems to indicate that it relates to the 'environmental value' of the land. Under

the current/previous system, Green Belt is designated as a strategic planning tool, not because of the ecological, recreational or landscape value of the land. It is unclear if this is still the case.

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

Yes. The Planning Practice Guidance might be the appropriate location.

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

Maybe. It will be important that LNRs are incorporated into the plan-making system; currently their status and role seem somewhat unclear.

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

Partly. There are concerns that there could be potential conflict between focusing on “previously developed and grey belt land” (which may well be in locations isolated from services and public transport) and the desire to ensure development “in the right places”.

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

Yes. Although it is unclear what is meant “fundamentally undermin[ing] the function of the Green Belt across the area of the plan as a whole”. It should be noted that small individual release does not “fundamentally” undermine the Green Belt, however a series incremental releases may result in undermining “the function” which is taken to mean ‘the five Green Belt purposes’).

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

No.

As currently drafted, para 152 provides an unintended consequence. The wording shows “housing, commercial and other development in the Green Belt should not be regarded as inappropriate where” with subsequent a, b, c. Critically, whilst there is an “and” between “a” and “b” there is not one at the end of “b”, instead there is a full stop.

This could be interpreted as meaning that you can go straight to ‘c’ – so therefore the only requirement is to meet the planning policy requirements in paragraph 155. The only substantive requirement at paragraph 155 is in ‘a’ which is 50% affordable housing for residential schemes (nothing is required for commercial and other development), ‘b’ would in the real world be required anyway and ‘c’ could apply almost anywhere.

It could be viewed that development of the Green Belt “housing, commercial and other development” is allowed in principle if there is 50% affordable housing for residential schemes and effectively nothing for “commercial and other development”.

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

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

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

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

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

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

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

Yes, the 50% target should apply to all (current and previous) Green Belt areas.

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

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

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

Yes.

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

This is a very difficult and complex issue which seems to require separate subsequent consultation.

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

Agree.

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

Disagree, development contributions (whether CIL or S106) are still required to mitigate the impact of development. If this is not available, alternative income sources need to be provided or the policy will have adverse consequences.

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

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

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

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

Delivering affordable, well-designed homes and places

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

Yes

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

Yes. This could reduced the priority (and financial resource) available to deliver social rented homes and other tenures which are most needed.

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

Yes, this should be based on local need.

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

Those Local Authorities who wish to utilise this tenure should be able to do so; however it should not be a requirement, and those authorities who explicitly do not wish to facilitate the delivery of First Homes should be able to exclude this tenure.

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

Yes. Local Planning authorities should be able to define the most appropriate mixes based on factors including evidence of need for various tenures and viability. Requirements should not be overly prescriptive, particularly on smaller sites (less than 10).

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

Direct Government funding support should be considered.

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

It would be helpful to have greater clarity provided in the definition for each of the affordable housing tenures, including Social Rent, Affordable Rent, Private Affordable Rent, Shared Ownership, Discount Market Homes, Shared Equity Homes and First Homes.

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

Small sites play an important part in land supply. However, in terms of allocations within plans, the range and types of sites actually allocated in a Local Plan is likely to vary between authorities due to the characteristics of that area. Despite not being allocated within a Local Plan, small sites are likely to come forward as windfall and therefore contribute to housing supply in that way.

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

Agree; the term 'beautiful' is subjective and vague, and can sometimes be presumed to mean certain types of architectural style, materials, etc

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

Yes

Building infrastructure to grow the economy

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

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

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

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

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

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

Delivering community needs

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

Yes. The proposed wording states that significant weight should be placed on the importance of new expanded or upgraded public service infrastructure when considering proposals for infrastructure. It would also be useful to have data on need to assist in weighting.

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

Yes. Local Plans must look a minimum of 15 years ahead; whilst other statutory authorities work to different timescales. Providers of public infrastructure should work alongside local authorities to consider longer term needs.

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

The use of Health Impacts Assessments (HIA) are discretionary and thus not a mandatory policy requirement. However, it is noted that many LPAs are now including a HIA as a policy requirement in Local Plans for major residential and commercial development.

It is recognised that the planning system can address some of the wider determinants of health however it planning can not fully tackle childhood obesity as there are other factors.

Supporting green energy and the environment

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

Yes.. Large onshore wind projects are best addressed through the NSIP regime.

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

Yes.

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

Yes.

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

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

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

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

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

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

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

Require development that takes significant areas of farmland to assess and, if necessary, offset the loss of productive capacity.

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

Yes.

Changes to local plan intervention criteria

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

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

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

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

Yes. Any uplift in application fees to cover costs would be welcome.

If householder application fees were increased in line with others, this could simplify the fee structure. However, there is a risk that increasing fees significantly could see more avoidance and this in turn would have an impact of increased enforcement costs.

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

No comment

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

Yes

No – it should be higher than £528 No

– it should be lower than £528 no -

there should be no fee increase Don't

know

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

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

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

Other fee increases should include those for minor material amendments ('section 73 applications'). The scope of a s.73 application can vary widely, and can often necessitate re-notification and re-consultation of a large number of neighbours and consultees and revisiting complex and issues, all of which incurs significant costs in officer time and administration.

Q93: Are there any application types for which fees are not currently charged but which should

require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

Applications for Listed Building Consent and Works to preserved (TPO) trees, are currently not chargeable. The principle of some charge is supported but officers are mindful that this should not be set at a level which discourages the making of these applications.

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

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

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

*Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.
Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.*

Neither

Don't Know

Please give your reasons in the text box below.

Local variation, possibly within a county or a combined authority area to minimise complexity.

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

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

This might include activities such as statutory Local Plan preparation and Conservation Area designation and reviews, also planning enforcement services. For example. Site promotion charges: In Local Plan making, promoters of individual sites could perhaps be required to contribute to costs and studies associated with evaluating their sites for allocation for future development.

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

No comment

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

No comment

Q99: If yes, please explain any particular issues that the Government may want to consider, in

particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

No comment

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

No comment

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

No comment

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

No comment