

Warwick District Council response to the government consultation on [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework)

Question Number	Question	Response
<b>Chapter 3 – Planning for the homes we need</b>		
1	Do you agree that we should reverse the December 2023 changes made to paragraph 61?	<p>Yes. It is important to create certainty around the approach to assessing housing needs. The greater the uncertainty, the more likely there will be delays in plan-making as it introduces more scope for challenge, argument and debate for alternatives. If the Government wishes for more local authorities to have up-to-date plans and to speed up the plan-making process and also in turn housing delivery, then creating greater clarity and certainty from the outset is helpful to these aims.</p> <p>The revised text provides greater clarity and equally importantly fits better with the Government’s overall objectives set out in the revised NPPF proposals.</p> <p>The changes to the Standard Method, and consequential policy changes will require parallel measures to boost capacity to deliver the required additional homes.</p> <p>We do however wish to question whether the delivery of 1.5 million homes nationally is genuinely realistic and achievable. The proposed changes to the planning system may not in themselves be sufficient to achieve a level of housebuilding not achieved since the 1950s. For example, the outputs of the Standard Method for Warwick District result in a 65% increase in the per annum housing figure. The government perhaps should also consider what other measures it can undertake to ensure this ambitious target is achieved, for example to prevent developers from land banking or delaying implementing planning permission or incentivise higher build out rates.</p>
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?	As per our response to question 1, creating more certainty and clarity around the approach that a local authority should take with regards to assessing its housing needs will be beneficial to speed up plan-making and ultimately delivering on the ambitious national house building targets.

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		<p>However, there will always be specific cases where an alternative approach could be robustly argued and therefore, we would suggest including provision for exceptional circumstances where alternative approaches may be appropriate and indeed desirable.</p>
3	<p>Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?</p>	<p>Yes. The urban uplift appeared to be an arbitrary figure that did not appear to be particularly justified. It also placed significant pressures on certain cities on top of already challenging housing need starting points as set out in the Standard Method.</p> <p>Paragraph 62 also required the uplift to be accommodated in those cities and urban centres. However, what may well have happened in a number of situations is that the 35% urban uplift would be accommodated in those cities/urban centres and as a result some of their initial housing need from the Standard Method prior to applying the urban uplift will have had to be passed on to neighbouring authorities through the duty to cooperate.</p> <p>However, this only serves to highlight the importance of having robust strategic planning arrangements in place to accommodate any 'displaced' needs alluded to in the final sentence (re-numbered) para. 62 (and which remains unchanged).</p> <p>We also support the principle of directing housing growth to larger urban areas as they are often the most sustainable locations for walking, public transport, active travel and are often well served by various infrastructure required to support housing.</p>
4	<p>Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?</p>	<p>We are supportive in principle of promoting an uplift in density in urban areas. It is however important in all situations that development is well-designed and appropriate in its context. The existing Paragraph 130 seeks to ensure that where density is increased, that it isn't wholly out of character within the existing area. This seems appropriate. However, it is also clear that Paragraph 130, if retained, may prove an obstacle to delivering the ambitious levels of housing that the government wants to see across the country.</p>
5	<p>Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas</p>	<p>Yes. Local Planning Authorities have limited resources and therefore design codes should be focussed on specific areas for change rather than being fairly generic by necessity if they are district-wide.</p>

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	that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?	
6	Do you agree that the presumption in favour of sustainable development should be amended as proposed?	<p>Generally, agree with refinement of meaning around presumption in favour of sustainable development, notably more emphasis on the design and location of development and provision of affordable housing. The proposed deletion of the reference to the 'most important policies' clarifies the requirement and strengthens the presumption in favour of sustainable development. It ensures that 11D acts as a failsafe to support housing supply and introduces new safeguards to make it clear that its application cannot justify poor quality development, albeit that the references to 'beautiful' have been deleted as well and there is no definition or methodology for defining 'quality'. 11D applies the tilted balance where there is no 5YHLS or where policies for the 'supply of land' are deemed out of date.</p> <p>Of concern, however, is the reference 'supply of land' with no other definition or caveat. Presumably it could therefore refer to all land for types of development.</p> <p>Where policies for a particular proposal are deemed out of date, let alone in areas where there is no 5YHLS, the change could be disproportionately significant as the reference to the 'most important policies' is removed. This may have unintended consequences by undermining the strategic aims of the Local Plan and the settlement hierarchies.</p> <p>With the re-introduction of mandatory housing targets and the deletion of the words requiring consideration to be of 'the most important policies for determining the development', the amendments to 11D could be interpreted as undermining the Strategic aims of the Local Plan and the settlement hierarchies and lead to unintended consequences. Also, where a site is not specifically allocated or allocated for an alternative use, the strategic aims could be compromised in an appeal situation.</p> <p>So, although it appears as a subtle change to the wording, it could be disproportionately significant where policies are deemed out of date, or in areas where there is no 5YHLS.</p>
7	Do you agree that all local planning authorities should be	Re deletion of 2023 NPPF para 76 - Do not agree that LAs with LPs less than 5 years old should still be required to demonstrate a 5YHLS. Housing supply will have been thoroughly considered at Examination with a focus on

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	required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?	<p>the sites in the first five years following adoption being deliverable (current para 69), and the detailed scrutiny of this evidence should be more than sufficient for the first five years of the plan.</p> <p>However, it is helpful to have consistency across all authorities with plans of 5+ years old by standardising the requirement for five years' worth of housing supply and removing the newly introduced requirement for authorities with emerging plans (2023 NPPF para 226) to only demonstrate 4 years' worth of supply.</p>
8	Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?	<p>No, past oversupply should be able to be factored in and be set against upcoming supply.</p> <p>Clarification was given by staff from MHCLG at the PAS NPPF event in Wolverhampton on 5/9/24 that the proposed change ONLY refers to the deletion of reference to the planning practice guidance from this paragraph of the NPPF and NOT the deletion of guidance on the use of oversupply from the PPG altogether. We are grateful for this verbal clarification as we feel that if Councils have delivered strongly against their housing requirement, this should be reflected in their 5YHLS calculations.</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?	Agree with the application of a 5% buffer to ensure choice and competition in the market for land.
10	If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?	5% is appropriate.
11	Do you agree with the removal of policy on Annual Position Statements?	Neither Warwick District Council, or our South Warwickshire neighbour Stratford-on-Avon District Council has submitted an Annual Position Statement since their introduction in 2018. <a href="https://www.gov.uk/government/publications/housing-land-supply-annual-position-statements">Housing Land Supply Annual Position Statements - GOV.UK (www.gov.uk)</a> indicates that only a very small number of LPAs have ever submitted one.
12	Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?	<p>Yes, the current arrangements are overly resource intensive partly due to the lack of sufficiently detailed clear and consistent legislation and/or guidelines and the use of legal documents which can lead to overly protracted negotiations. It relies too much on 'good-will' between authorities and also enables the 'duty' to be met without actually finding solutions to strategic issues and can thus leave strategic planning at a regional or sub-regional level in a hiatus and unable to make the big strategic decisions that are necessary at that scale. A system which introduces a level of regional strategic planning is welcomed as a way of focusing on strategic planning issues and as a vehicle to enable key decision making and delivery at a regional level. It should result in more joined up approaches, a more solution led approach and ultimately better Local Plans that are not</p>

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		<p>unduly delayed in preparation due to the lack of strategic co-operation and which are able to be successfully delivered as a result of key strategic decision making on issues such as development needs and cross-boundary infrastructure requirements.</p> <p>It is noted that the government will explore the most effective arrangements for outside of mayoral areas and this is welcomed. An understanding and recognition of the strategic inter-relationships between the more urban areas and its rural hinterlands of a region in identifying the Strategic Development Strategy areas is critical to the success of the proposed system and should not be underestimated. The NPPF should therefore provide clarity on the approach to and importance of cross-boundary/strategic planning matters outside of mayoral areas and in locations such as Warwick's where there is a two-tier system of local government.</p>
13	Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?	Yes, if it is accompanied by a more robust approach to strategic planning and co-operation to enable Local Plans to be able to satisfy such tests, as it is difficult under the current system to suitably address strategic planning issues.
14	Do you have any other suggestions relating to the proposals in this chapter?	<p>This question relates to the ability of the planning system to enable long-term planning. The Government will require other firm proposals to address this point.</p> <p>Current policy (existing NPPF para. 69) requires that policies should identify specific deliverable or developable sites for periods extending up to 15 years. However, the development of some larger sites can be expected to take place over even longer periods.</p> <p>The ability and willingness of developers (especially Registered Providers (RPs)) to invest in the long-term delivery of such sites is affected by issues around:</p> <ol style="list-style-type: none"> <li>(1) The funding available. In addition to grant funding, in the case of RPs, this includes a reasonable degree of certainty around revenue streams arising from rented affordable housing, as this will affect their business plans – which are subject to oversight by the Regulator of Social Housing (RSH). Both Government and RSH are encouraged to address this point.</li> <li>(2) The delivery of the necessary infrastructure. A wide range of physical and social infrastructure is needed to support the delivery of <i>all</i> types of housing.</li> </ol>

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		<p>That said, it is essential to recognise that: (a) the needs of many households occupying affordable housing are such (for example, on account of impaired mobility) that they may have greater calls on the use and availability of such infrastructure and (b) ensuring mechanisms are in place for meeting such needs effectively will be a factor affecting the confidence of RPs and their subsequent investment decisions.</p> <p>Early identification of key infrastructure requirements is crucial for <i>all</i> new housing. However, where housing development is likely to take place over the long-term – typically with new settlements or major urban extensions – it will be important to identify ‘big ticket’ infrastructure items at an early stage so that they can be factored into viability appraisals and reflected in the reduced land values necessary to make such development viable.</p>
<b>Chapter 4 – A new Standard Method for assessing housing needs</b>		
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?	<p>Yes. By using short term trends, the standard method locks in the most recent household projections. This has caused problems in recent times, e.g. in Coventry. Furthermore, as indicated in paragraph 3 of the consultation, household projections can be volatile and change frequently. We also agree that the 2014-projections are out of date and no longer fit for purpose.</p> <p>The proposed switch of the Standard Method to a model based on housing stock rather than household projections would provide a better measure of housing need for two main reasons:</p> <p>(1) Household projections were always tenuous and for many different reasons never reflected reality. For example, household projections never properly took account of the impact of high property prices in areas such as ours in making market housing unaffordable for existing residents, especially first-time buyers. This is reflected in our ageing demographic since high average house prices/rents have tended to price out younger households. Historic in-migration data about households is a reflection of those households who <i>are</i> able to afford to move into our District and not local households who cannot afford to remain.</p> <p>(2) A standardised method of assessing need is very welcome and will save resources and arguments about interpretation and methodology and thus enable a greater focus on actual delivery.</p>

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		<p>Ultimately, what really matters is what new housing any new system will actually deliver and how well those new homes meet people’s needs. In our context, this means placing a particular emphasis on delivering new affordable homes.</p> <p>It is essential to also factor in the those matters which affect the capacity of affordable housing providers. There will be differences as well as overlaps between the constraints affecting the capacity of the development sector to deliver affordable housing as well as market-driven schemes.</p> <p>Also, for all types of housing all necessary supporting physical and social infrastructure should be provided in step with new housing.</p>
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?	Yes. We agree that using an average over a 3 year period rather than solely the most recent datapoint is sensible.
17	Do you agree that affordability is given an appropriate weighting within the proposed standard method?	<p>Whilst we do agree that increasing the significance of affordability will help address supply failing to keep up with demand, increasing its significance has notable impacts upon the two South Warwickshire local authorities where affordability can be challenging as it means that the local authorities will have to deliver a level of homes that have the potential to change the character and attractiveness of the South Warwickshire area.</p> <p>We believe that neither the current standard method nor the proposed approach to increase the weight of affordability actually will have the desired effect of significantly improving the affordability of housing in areas where affordability is an issue. A more effective approach would be for national policy to require more affordable homes in such areas and specifically more smaller 1 or 2 bedroom homes.</p>
18	Do you consider the standard method should factor in evidence on rental	Yes, but only if it is possible to do this <i>simply</i> because private rented is part of local housing markets. Query whether using VOA figures may be appropriate.

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	affordability? If so, do you have any suggestions for how this could be incorporated into the model?	
19	Do you have any additional comments on the proposed method for assessing housing needs?	Consideration should be given to whether the NPPF and associated Government objectives as set out in the consultation represent a plan or project giving rise to a requirement to undertake a formal Environmental Assessment.
<b>Chapter 5 – Brownfield, grey belt and the Green Belt</b>		
20	Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?	<p>Yes, we agree that the brownfield first principle is strengthened, and the development should now be regarded as acceptable in principle.</p> <p>However, this will be a challenge to existing settlement hierarchies. Development of brownfield land for housing in very minor settlements where there are not services would not be considered sustainable. Without concomitant changes to the definition of PDL, particularly in respect of gardens in rural areas (which are PDL), this may have significant unintended consequences and could result in developments which would undermine the character, appearance and settlement patterns of historic villages.</p> <p>Whilst the change does seem a logical first step towards brownfield passports, further information would be required as to the logistics/implications of brownfield passports before detailed comments can be provided.</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>Agree in principle with the proposed change to the paragraph 154g as it makes it easier to develop previously developed land in the Green Belt, in circumstances where substantial harm is not caused to the openness of the Green Belt.</p> <p>However, it is considered that the proposed changes are ill conceived and too broad brush.</p> <p>Without concomitant changes to the definition of PDL, particularly in respect of gardens and equestrian uses in rural areas (which are PDL), this change may have significant unintended consequences resulting in significant areas of land which the public would consider countryside becoming developed.</p>



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		<p>It is not clear how the proposed changes would relate to the other provision within para 154. For example, clause d) for a replacement building which cannot be materially larger would be redundant as the test of materially larger (which is quite restrictive) would be undermined by the comparatively permissive test proposed in g)</p> <p>Although it is understood that the term ‘substantial harm’ would be left as a matter of planning judgement it is considered that the test of demonstrating that any harm would be ‘substantial’ is quite high. As a consequence, without changes, the land release allowed would be extensive and uncoordinated.</p> <p>The land released would often be in unsustainable locations and would undermine the character, appearance and settlement patterns of historic villages.</p> <p>The current NPPF suggests that new buildings could be regarded as acceptable in the Green Belt if the development would reuse the PDL <b>and</b> contribute to meeting an identified affordable housing need in the local area. The proposed change removed the criteria regarding the contribution of affordable housing which may not favour to meeting the affording housing needs.</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>It is noted that some glass houses may be considered PDL already depending on what purpose they are put to.</p> <p>Where glass houses have been developed for the purposes of agriculture it is considered that they should remain greenfield. This is particularly the case where high grade BMV agricultural land is considered.</p> <p>It is likely that the changes under consideration would increase the demand for glass houses as they could be seen as a convenient ‘stepping-stone’ to move the use of large amounts of land into PDL in advance of later applications to redevelop the land. Moreover, it would be expected that the prevalence of uncharacteristic and unattractive polytunnels in the landscape would increase to compensate for the loss of glass house facilities.</p>
23	Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?	<p>No. Planning is littered with subjectivity but the introduction of ‘Grey Belt’ would appear to add more unhelpful subjectivity that will slow down plan making. The change is likely to mean endless discussion in appeals or public examinations about the quality of green belt and whether land is actually grey belt.</p>

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		<p>It is considered that the definition is far too broad and would result in harm to the character, appearance and settlement patterns of historic villages. The definition should expressly exclude gardens within Conservation Areas and equestrian land.</p> <p>The proposed definition of Grey belt land may well result in unsustainable patterns of development, with scattered parcels of land around what is currently being green belt being brought forward for residential development.</p> <p>If the term grey belt is introduced, there needs to be absolute clarity on its meaning and application with relevant terminology tightly defined and clear guidance to hopefully avoid lengthy debate around such land or potential grey belt land. In particular, we would need more guidance on what land will be classed as “limited contribution” as it might lead to challenges from developers and opposers to development.</p> <p>We do not agree with the guidance that is proposed to be included within the glossary appended to the NPPF. Under b) items ii.) and iv.) are already covered by the 5 purposes and therefore are simply a repetition of two of the purposes that are already covered under part a). Therefore, these elements should be removed from b).</p> <p>Additionally, the government hasn’t defined a single Green Belt review methodology or scoring system in assessing whether the Green Belt parcels fulfil the five purposes of the Green Belt. Local Authorities are using different methodology/terminology and different thresholds for assessing the five purposes of the Green Belt land, resulting in different outcomes in different authorities. For instance, a recent Green Belt Review has been undertaken for the South Warwickshire Local Plan. This review assessed the existing land parcels and broad areas against the five purposes of the Green Belt. A significant number of the Green Belt parcels west of Warwick were scored “Weak contribution” in the Green Belt Review.</p> <p>If these large areas are classified as making “limited contribution” as defined in the NPPF consultation, it could have a substantial impact to the area, as developers might use this reason to justify that these areas are suitable for development. Therefore, it is recommended that the government provide a clear definition and methodology for assessing the five Green Belt purposes.</p>

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		It is also recommended that the Government clarifies the second purpose of Green Belt – b) to prevent neighbouring towns merging into one another. Please can the NPPF or PPG clarify whether this solely means ‘towns’ or also ‘cities’ or ‘villages’. This clarification will avoid debate that currently has the potential to slow down plan making.
24	Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?	See response to Q23 As highlighted in the response to question 23 more detailed guidance should be provided to help local authorities identify low quality green belt. This will ensure a more consistent approach in identification of grey belt land which is a new designation for all authorities across England.
25	Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?	Yes, we strongly agree that additional guidance would be helpful. We suggest that this guidance would be most usefully contained within the NPPF itself (either in the main text or Glossary). However, if the guidance is lengthy, it should be within the PPG but with a clear link/reference in the NPPF.  Expressly stated exclusions from the Grey Belt land definition should also be included – for example garden land. This should principally be placed in the NPPF with additional commentary in the PPG.  There is no current agreed methodology for Green Belt reviews. Consultants/LPAs have developed methodologies using good practice but there is variation across the country. Introducing guidance on which land makes a limited contribution to GB purposes could helpfully be extended to wider guidance on conducting GB reviews as a whole.
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?	As per our response to Question 23, we recommended that the Government clarifies the second purpose of Green Belt – b) to prevent neighbouring towns merging into one another. Please can the NPPF or PPG clarify whether this solely means ‘towns’ or also ‘cities’ or ‘villages’. This clarification will avoid debate that currently has the potential to slow down plan making.  This should include a clear reference to openness. Would recommend an addition that any such land should not be isolated from services or impractical or inaccessible.  The additional guidance appears overly permissive at present, given the use of the phrase “at least one of” in part b). For example, it is likely that criteria b)ii and b)iv could result in huge swathes of open countryside being reclassified as grey belt.

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		<p>The guidance would need consistency/an agreed definition of proposed criteria a) not ‘strongly perform’ against any GB purpose. Not all LPAs use this terminology in their GB reviews. Some use numerical ranking or RAG rate the performance of Green Belt parcels so a definition of a strong performance and vice versa would be required.</p> <p>With regard to criteria b)iv) – this is not currently applied consistently across the country. The PAS 2015 guidance ‘Planning on the Doorstep’ states with regard to Green Belt Purpose 4: To preserve the setting and special character of historic towns; <i>“This purpose is generally accepted as relating to very few settlements in practice.”</i> Further, a 1988 Hansard extract clarifies which historic settlements in England were considered ‘historic towns in the context of the Green Belt purposes.’<sup>1</sup> Many LPAs and consultants undertaking Green Belt Reviews cite this and use it to determine whether Purpose 4 applies in their area. In other instances the existence of Conservation Areas in proximity to the Green Belt have been used to determine the relevance of Purpose 4, and Green Belt parcels scored accordingly. This goes to show the variation in the interpretation of this particular purpose and how areas without a defined historic town could easily have large areas of Green Belt classified as making a limited contribution to the purposes. Equally, without a tighter definition, some local authorities could interpret Purpose 4 more widely to avoid Green Belt around historic settlements or Conservation Areas being deemed to make no contribution to preserving the setting or special character of an area.</p>
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?	Nature Recovery Strategies will identify locations where nature recovery efforts are strategically most valuable in improving nature connectivity. If areas are identified within the green belt then the LNRS will help identify areas of green belt land that can be enhanced.
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	If the term Grey belt is to be introduced, we agree with a sequential approach to site allocation through the plan making process. However as currently worded, this might end up undermining the sustainability arguments of the local plan. “...undertake a review where an authority cannot meet its .... need without altering GB boundaries.” In theory, we could easily accommodate all our housing need outside of the Green Belt; but we don’t want to because those locations are less sustainable. Will this end up forcing us to use less sustainable non-GB locations? Clarity is required for such circumstances.

<sup>1</sup> Hansard HC Deb 08 November 1988 vol 140 c148W 148W; referenced in Historic England (2018) Response to the Welwyn Hatfield Local Plan – Green Belt Review – Stage 3.

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	authorities to prioritise the most sustainable development locations?	
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>Agree that this in an appropriate test at plan making stage in theory, however demonstrating that any individual proposal would fundamentally undermine the function of the Green Belt across the area of the plan, as a whole, is an unreasonably high test and is not reflective of the purposes of the Green Belt.</p> <p>It is felt that quite often the Green Belt serves quite local purposes in protecting a historic village or the coalescence of towns. It is concerning that even in a scenario where a development would result in quite profound impacts this would not cross the threshold of fundamentally undermining a designation which is some 1500 square kilometres in breadth.</p> <p>It is curious to understand why this refers to the area of the plan as a whole; rather than the area of the Green Belt as a whole? There is presumably a logic to this but it hasn't been explained.</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>No. It is flawed in a number of ways. It is likely to have unpredictable outcomes in terms of local and regional impact particularly resulting in unsustainable development remote from services.</p> <p>As a very substantial departure from established Green Belt policy it is likely to render many Development Plans out of date. We would recommend reverting to established green belt policy and are firmly of the view that important decisions relating to the release of Green Belt land should be taken through the mechanism of a Local Plan review and not through decisions on planning applications.</p> <p>If not reverted, para 155 should be substantially expanded to ensure requirements for transport planning and public transport, energy efficiency/renewables, sustainable urban drainage and biodiversity enhancements.</p> <p>Additional clarity is considered necessary in relation to defining grey belt in order to prevent potential unintended consequences for decision making. As referenced previously, there is no set methodology for Green Belt Reviews and for determining Green Belt value based on the 5 purposes, but recent Green Belt Reviews (such as that undertaken for the South Warwickshire Local Plan) have determined that comparatively large swathes of Green Belt deliver a 'weak' contribution overall when considering the 5 purposes altogether. The proposed definition of Grey Belt is "land in the green belt comprising previously developed land <u>and/or</u></p>

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		<p><u>areas of Green Belt land that make a limited contribution to the five Green Belt purposes...".</u> It is unclear how "limited contribution" is to be defined. In the absence of a detailed definition and confirmation that grey belt must only be defined as part of the Local Plan/Local Plan Review process, developers could argue that any land assessed as having a "weak" contribution overall meets the definition of 'grey belt' and so, under draft paragraph 152, for areas that cannot demonstrate a 5 Years Housing Land Supply (like Warwick District) would not be regarded as inappropriate for housing, commercial and other development. As a result, large areas of Green Belt that are currently protected from development could be deemed appropriate in principle for housing, commercial and other development. This seems to conflict with the aims set out in para. 139 of retaining the openness and permanence of green belt land and in fact could see developers targeting green belt locations over more preferable brownfield sites in urban areas/non-green belt locations. To illustrate the scale of the issue, the following areas have been determined as offering a 'weak' contribution overall as part of the emerging SWLP Green Belt Review – almost all land north and west of Warwick, south east of Kenilworth, south of Baginton, and almost all land around Kingswood and Hockley Heath (with more isolated parcels also north and east of Leamington and north west of Stratford-upon-Avon).</p> <p>We therefore query whether these implications for decision making are intended – if not, additional detail is required for local authorities to better understand how grey belt is to be defined. Our recommendation is that the NPPF is amended to clarify that grey belt must only be defined as part of the Local Plan/Local Plan Review process.</p> <p>If further detail is required in relation to the issues referenced such as existing and emerging Green Belt Reviews, we would be happy to provide further clarification.</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?	In principle, we would agree that grey belt land shouldn't only be considered for housing needs, and that commercial development and other development needs could be capable of being accommodated on such land which is located in sustainable locations. However, the 'golden rules' to releasing Green Belt land have clearly been drafted with housing development in mind, with new para 155 criteria a and c being almost exclusively relevant to residential proposals. Infrastructure requirements for commercial development and other land uses can often be minimal, so without firmer criteria added to the new para 155, we would be concerned that this would be an open door to Green Belt development with the bare minimum planning gain.

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		<p>Consider that the guidance to be too vague. No standard means of assessing commercial or other need is described - or at what point GB review is triggered.</p> <p>If release of Grey Belt land is triggered for commercial or other purposes, we would recommend new para 155 be enhanced to include requirements for transport planning and public transport, energy efficiency/renewables and biodiversity enhancements.</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?	We agree that the approach to the release of Green Belt through plan making should apply to traveller sites. However, we believe the Local Plan is the place to make decisions on the release of Green Belt land, rather than leaving this to decision-making. The 2015 PPTS makes clear that the Government's aim is to ensure fair and equal treatment for travellers and therefore it would be perverse for the proposed approach to Green Belt release for general housing needs not to apply to the needs of travellers.
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>This question goes wider than the proposed reforms to the NPPF and would entail changes to be made to the 2015 PPTS, and sensibly for such changes to be incorporated into the PPG. Policy A of the PPTS currently sets out broad criteria to follow in evidencing traveller need but this is nowhere near as prescriptive as the PPG and standard method are with regard to assessing general housing need. Clarity is also needed in the NPPF reforms as to whether a shortfall in traveller sites alone would be enough to trigger the need for a GB review, as implied by para 16 of the consultation documentation.</p> <p>It is presumed that the same type of evidence as is used for determining need in a Local Plan, but clarity on this would be helpful. Similarly, the sequential approach i.e looking for sites outside the Green Belt first and then PDL in the Green Belt.</p>
34	Do you agree with our proposed approach to the affordable housing tenure mix?	<p>It is taken that this question only relates to the tenure mix on sites released from the Green Belt for housing. In such circumstances the draft NPPF proposes at least 50% of the housing should be affordable with an appropriate amount for social rent. The final tenure split would be determined by local authorities.</p> <p>This approach would give local authorities flexibility to set their affordable housing tenure split to meet the needs of their local communities and local housing markets, and is therefore welcomed (but this could affect viability and therefore flexibility should be allowed at a local level).</p>

Question Number	Question	Response
		<p><b>Para 64:</b> We welcome the emphasis on social rent here and elsewhere in the NPPF as it is the most affordable rented tenure. We also agree with the proposed deletion of some text to the affordable housing definition in Annex 2: Glossary. However, we would like some changes to the affordable housing definition in Annex 2: Glossary i.e.</p> <ul style="list-style-type: none"> <li>(i) The Affordable Rent definition should be expanded to state that Affordable Rents will be the lower of 80% market rents or below the Local Housing Allowance rate for the Broad Rental Market Area. This is something we include in our s106s, but it would be helpful if it could be made more explicit</li> <li>(ii) Build to Rent and Affordable Private Rents. Build to rent is becoming more popular but we have had trouble with developers approaching us and wanting to do so called Affordable Private Rents at 80% or even 90% of market rents. This is not affordable housing. Please add something about it must be in line with identified local needs.</li> </ul> <p><b>Para 66:</b> We strongly agree that the final affordable housing tenure mix should meet both identified rented and affordable home ownership tenures. The word “both” is essential as it should stop developers trying to build e.g. only shared ownership but no rented homes. We also welcome the deletion of the remainder of the current paragraph as the wording lacks clarity and can distort supply.</p> <p><b>Para. 69:</b> This Authority has been applying a mixed tenure approach since at least 2016. However, achieving integration between market and affordable housing is an essential corollary.</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>In an area of high land and property values such as Warwick, it may be possible to achieve 50% affordable housing on some Green Belt sites, however given the wide variety of land values and affordable housing needs across the country, it would be sensible to allow discretion for local authorities to set different targets if evidence shows they are necessary.</p> <p>If a higher affordable housing requirement is taken forward it is likely to result in more viability challenges from developers. Viability is a specialist area, and it can be difficult for local authorities to oversee the independent assessment of a viability appraisal. More guidance and support on viability assessment would be welcomed. Homes England grant funding could be made available for all affordable housing, including the s106 properties in green/grey belt areas.</p>



Question Number	Question	Response
		<p>There is a risk that on some schemes, particularly those involving previously developed land with high remediation or infrastructure costs, viability issues could remove all affordable housing. Whilst a minimum level of affordable housing could be introduced, this could also act as a barrier to delivering new homes. An alternative could be requiring viability appraisals on Green Belt sites to be subject to scrutiny by an independent government appointed viability panel.</p>
36	<p>Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?</p>	<p>All residents should have access to public open space. It would be useful if there was clarification over what 'short walking distance' means, and whether this is a 'as the crow flies', or whether the measurement is more nuanced to take consideration of physical barriers.</p> <p>The consultation does not make it clear whether Local Authority policies relating to local green space within green belt developments should go beyond the requirements for open green space in other areas. Or is the consultation simply saying that green belt developments would be subjected to the same requirements as elsewhere in the plan area, particularly as we would expect other policies relating to other non-green belt locations to also deliver good access to good quality green spaces within walking distance of homes?</p>
37	<p>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?</p>	<p>Yes, in principle, if the purpose of the inclusion of new Annex 4 is to deter the creation of "hope value" and more generally accelerate housing delivery. Arguably the same principles should also apply to non-Green Belt land. Indeed, it is difficult to understand if creating an artificial distinction between Green Belt and non-Green Belt land is justified.</p> <p>If benchmark values are to be set they need to be in the 'sweet spot' that provides an incentive for landholders to bring sites forward, otherwise there is a danger that they will delay making land available for development in the hope that a future Government will remove or revise the benchmark value. Another unintended consequence might be that landowners seek interim uses on land in the Green Belt, such as renewable energy, again in the hope that there will be a change in approach in the future.</p> <p>It is not clear how the introduction of benchmark land values would interact with the requirement that public sector bodies achieve best value and the requirement on local authorities that housing land is disposed of at market value (The 2013 General Consent under section 32 of the Local Government Act 1988).</p>

Question Number	Question	Response
		<p>Reference is made to the hope value associated with Green Belt land being low. However, the reality of the new Grey Belt proposals is that hope value of Green Belt land will increase.</p> <p>See also further in response to Q38 below.</p>
38	How and at what level should Government set benchmark land values?	<p>To answer this question, it is first necessary to understand the purpose for which benchmark land values would be set. If, as noted in our response to Q37, this is to deter the creation of “hope value” and to accelerate housing delivery more generally, this approach is welcome. This is implicit in para. 28 of the consultation. However, it should be noted that suppression of hope value, however desirable, is not one of the five purposes of Green Belt designation at existing NPPF para. 142. Furthermore, it would appear to create an unwelcome artificial distinction between Green Belt and non-Green Belt land which could actually be quite harmful for affordable housing delivery within our Authority’s area.</p> <p>In order to take a workable approach towards setting benchmark land values, it is essential to understand that they would not in and of themselves be determinative when developers (especially Registered Providers) assess the viability of individual schemes.</p> <p>Financial appraisal is a separate process, that involves taking into account both the costs of and income from development. This outcome of this process typically generates a residual land value above which it would not be viable to develop. It is that value, rather than a notional benchmark value, that will form the basis of an offer to buy land (or compensation payable in the event of compulsory purchase).</p> <p>Whilst benchmark values might be useful as a ‘reality check’ to inform negotiations, they cannot determine the economics of individual schemes. This is because even if the purchase price of land were to be set at no more than a specified benchmark value, this would not of itself guarantee viability of any given scheme. Amongst other things, it would also be necessary to consider the income streams generated by development. In the case of affordable housing, those values would be de-coupled from prevailing market conditions but vary according to the tenure product(s) to be developed – which should, of course, reflect local need.</p> <p>In the case of mixed tenure schemes (promoted at NPPF new para. 69) there is also the issue of cross-subsidy generated from the sale of open market properties for affordable housing to consider.</p>

Question Number	Question	Response
		<p>For the above reasons, it would be preferable to establish a clear policy expectation that the value, and hence purchase price, of land should be set at no more than that necessary to produce fully policy-compliant schemes and with the expectation that any surpluses generated would be recycled to generate additional affordable housing. If benchmark values are to be stated, it should be for no more than 'reality check' purposes.</p>
39	<p>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?</p>	<p>Setting a benchmark land value could disincentivize landowners to bring land forward. An open book approach could be encouraged to demonstrate that the golden rules can be achieved at the desired land value. Viability testing should ensure that a scheme is viable, allowing for any site-specific requirements and upgrades required to off-site infrastructure.</p> <p>It could be argued that any or all three possible approaches outlined at para. 29 are as equally applicable to non-Green Belt land as to Green Belt land. Indeed, for many authorities, housing supply is likely to come wholly or mainly from non-Green Belt designated land. It must be recognised that lower land values do not <i>automatically</i> make new housing development – especially affordable housing – viable or deliverable.</p>
40	<p>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?</p>	<p>Is the reference to 'policy compliance' relating to the NPPF or the relevant development plan? If the former, it is not clear how the provision would be implemented. The golden rules do not put a maximum limit on the amount of affordable housing to be provided, paragraph 23 a) of the consultation document says that in the case of schemes providing housing, at <u>least</u> 50% affordable housing, with an appropriate proportion being Social Rent, subject to viability.</p>
41	<p>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</p>	<p>Yes, there should be arrangements for clawback if a scheme performs better than anticipated. Guidance and an explanation of the approach used in London (referenced at paragraph 29c) would be helpful.</p>

Question Number	Question	Response
	required? What support would local planning authorities require to use these effectively?	
42	Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?	<p>Subject to viability, any non-residential development could be required to provide open space, consistent with paragraph 23c) to compensate for the loss of land from the Green Belt and to contribute to the objectives of the residual Green Belt.</p> <p>It is not clear how the golden rules would apply to types of development already considered not inappropriate in the Green Belt, criterion a) applies wholly to schemes involving housing, as does the second half of criterion c).</p> <p>Any necessary improvements to local infrastructure associated with uses that are not considered inappropriate could be secured through existing planning arrangements.</p>
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?	<p>Transitional arrangements may be required, recognising the long lead in times for sites, particularly strategic urban extensions and new settlements. There could be an unintended consequence of stalling sites that are currently being promoted. Any transitional arrangements should be evidenced based.</p> <p>Clearer guidance is needed on whether existing/historic Green Belt reviews can be utilised to identify grey belt; or whether new reviews are required, which actively use the terminology 'limited contribution' and specifically identify land as grey belt.</p>
44	Do you have any comments on the proposed wording for the NPPF (Annex 4)?	<p>It is not clear what the missing text is referring to – is it a value or an acceptable percentage increase based on the existing use value?</p> <p>The wording in paragraph 2 could trigger the need for a review of a Local Plan if the site concerned is of strategic importance. If the new paragraph 152 is added, refusing an application on these grounds could lead</p>

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		<p>to Green Belt releases elsewhere if, because of the refusal, a five year land supply cannot be maintained or performance in the Housing Delivery Test drops below 75%.</p> <p>Paragraph 3 seems to contradict the consultation document – which seems to try to limit land values, irrespective of policy compliance. The reference to ‘higher levels of affordable housing’ not being sought is also unclear – is this referring to locally set requirements? If referring to the requirements set out in the golden rule, as noted earlier this does not set a ceiling – paragraph 23a of the consultation document refers to <u>at least</u> 50% affordable housing.</p>
45	Do you have any comments on the proposed approach set out in paragraphs 31 and 32?	The use of compulsory purchase powers (CPO) to bring sites forward, particularly strategic sites, may be cost prohibitive for local authorities and is also time/resource consuming. There could be significant risk associated with compensation, given that land values are not established until late into the CPO process and application of the 'no-scheme principal' is a potential area of legal challenge. Complex developments are also subject to change but the nature of the CPO process means that subsequent changes to the project may not be possible.
46	Do you have any other suggestions relating to the proposals in this chapter?	<p>The Golden rules should apply in perpetuity. For example, there might be a scenario where land is taken out of the Green Belt as part of a sustainable urban extension, part of it is initially used as open space (or another non-residential use or meanwhile use) but then it is later developed for residential development.</p> <p>The rules should also apply to land that is taken out of the Green Belt and safeguarded for future use (as referred to in Paragraph 148 c) of the existing NPPF.</p>
<b>Chapter 6 – Delivering affordable, well-designed homes and places</b>		
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?	Warwick District Council already considers the need for social rent housing in its housing need assessments and includes a requirement for social rent in its affordable housing tenure split. As such this change would not alter our approach. However, we welcome the prioritisation of social rent providing we retain the flexibility to set our own affordable housing tenure split.

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48	Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?	<p>Yes. The priority should be for local authorities to set their own affordable housing tenure split and therefore we support the removal of this requirement where evidence shows that level of affordable home ownership is not required.</p> <p>The current requirement has the effect of frustrating the delivery of affordable housing overall. Affordable housing delivery should reflect locally identified needs.</p>
49	Do you agree with removing the minimum 25% First Homes requirement?	<p>Yes. In our view First Homes are of limited benefit compared to other affordable home ownership tenures for several reasons:</p> <ul style="list-style-type: none"> <li>- First Homes require a higher initial deposit than shared ownership which means there is a high financial barrier to entry.</li> <li>- First Homes lack the flexibility of shared ownership where the initial equity can be varied to suit the financial circumstances of the buyer and then more shares purchased by the resident as their circumstances allow.</li> <li>- There is an administrative burden on local authorities to manage the eligibility process for First Homes</li> <li>- First Homes are only available to first time buyers which limits who can purchase one. This limits the pool of buyers and may make it harder to sell a First Home. It also prevents existing homeowners with a genuine need for a low cost home ownership home to access them.</li> </ul> <p>Given these issues, we do not consider there is any benefit to prioritising First Homes over other low cost home ownership options therefore we support the removal of the 25% requirement.</p> <p>However, we consider low cost home ownership options are important in the overall affordable housing tenure mix. It would be misguided to focus on only social rent homes as this would leave a large group of households who are unable to afford open market homes but ineligible for social rent homes without access to housing. It would also frustrate the aim to deliver mixed and balanced communities.</p> <p>Affordable housing delivery should always reflect <i>locally</i> identified needs. In some areas First Homes may be required but in other areas they are unaffordable and are not what is required.</p>

Question Number	Question	Response
50	Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?	<p>One option to improve the flexibility of First Homes is to remove the requirement for buyers to be first time buyers, thereby converting all existing First Homes to discounted market sale. All other eligibility requirements would remain the same. This option would increase the pool of households who could benefit from the model and may make the tenure more deliverable.</p> <p>If First Homes are to be retained, the percentage required within a mix of affordable homes should be determined by the Local Authority and not be a matter of national policy.</p> <p>Warwick District Council has not received any planning applications for First Homes Exception Sites and given the lower priority First Homes take in the draft NPPF, it seems even less likely proposals will come forward in the future without changes to the policy. As well as the change suggested above, this could include clearer guidance on the appropriate size for a First Home Exception Site and the acceptable mix that can be included (i.e. how many market or other affordable homes could be included).</p>
51	Do you agree with introducing a policy to promote developments that have a mix of tenures and types?	<p>We believe the delivery of mixed tenure schemes that include social and affordable rented, low cost home ownership and open market homes is important to forming sustainable communities. We therefore support a policy that promotes mixed tenure developments, however the tenure split should meet identified local housing needs and be set by local authorities.</p> <p>We are however concerned with the 'affordable private rent' tenure on build to rent schemes as this doesn't require a Registered Provider to manage the housing.</p>
52	What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?	<p>We would support promoting a higher level of social rent over affordable rent as social rent is the most affordable tenure. However, in respect of promoting developments with a high percentage of social rent/affordable housing developments, flexibility is required in the affordable housing tenure mix compared to a normal market housing led scheme (where the affordable homes are secured by planning obligation).</p> <p>For example, Warwick District Council currently seeks 40% affordable housing on residential schemes and 70% of those homes are to be social/affordable rent. However, applying this mix to a development with over 40%</p>

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		<p>affordable housing would lead to a very high level of rented homes which would not create a mixed and balanced community and therefore a different tenure mix may be required.</p> <p>There should also be a need for proposals with a high percentage of social/affordable rent homes to justify their tenure split against the principles of forming mixed and balanced communities.</p>
53	<p>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>	<p>To avoid unintended consequences of schemes with high levels of affordable housing, discretion should be given to local authorities to determine whether a scheme is appropriate for the locality. Given the range of schemes and sites that could come forward, local authorities are best placed to determine whether a proposal is appropriate.</p> <p>This Authority does not consider that there is any maximum size (or indeed for that matter, minimum size) of development where a high proportion of Social Rented housing should be provided. The proportion of social rent should reflect local needs.</p> <p>However, to ensure successful and socially cohesive development, policies need to be put in place to ensure that all affordable and market housing is properly integrated physically and visually. Ensuring schemes with high levels of affordable housing are tenure blind would also be important to avoiding any unintended consequences.</p>
54	<p>What measures should we consider to better support and increase rural affordable housing?</p>	<p>The recognition of the particular need to better support and increase rural affordable housing is most welcome, although we note that no changes are proposed to the relevant paragraphs of the NPPF dealing with this issue.</p> <p>However, this Authority is disappointed to note that no change is proposed to NPPF para. 65 to lower the threshold below which affordable housing may not be sought outside designated rural areas.</p> <p>The above issues are especially relevant to this Authority, which is for the most part very rural in character with a highly dispersed population and settlement structure.</p> <p>This Authority would highlight that has a successful track record in delivering rural housing schemes over many years. But we would also draw attention to the lessons learnt from this. Successful delivery requires:</p>



Question Number	Question	Response
		<p>(1) Community engagement and support.</p> <p>(2) A ready supply of suitable land at economically viable values.</p> <p>(3) The right infrastructure, either in place of whose delivery can be secured – which can be a particular issue in rural areas – for example, public transport may be limited or non-existent.</p> <p>(4) Often, public subsidy.</p> <p>To achieve (1) above requires not just the backing of local communities for particular schemes but also their active engagement. Neighbourhood planning is one tool to this end, but to be effective requires extensive advice and support. This Authority has since 2003 engaged and benefitted from the services of a full-time Rural Housing Enabler, and their role has proved invaluable.</p> <p>To achieve (2) above requires avoiding inflated land values, particularly that arising from ‘hope’ value attributable to the prospect of being able to develop open market housing. It is vital that changes elsewhere to the NPPF, intended to boost overall housing supply, do not inadvertently have the effect of undermining policies intended to boost the supply of rural housing.</p> <p>Annex 2 glossary and the definition of community-led</p> <ol style="list-style-type: none"> <li>1. We support the revised text and the deletion of “set-up and” as these words only confuse matters.</li> <li>2. If possible, we would also prefer “not for profit RP” or “housing association” to appear in the list of various “legal forms” as some communities mistakenly think that they can only bring forward a scheme if they set up a CLT.</li> </ol> <p>To boost rural affordable housing the following would help:</p> <ul style="list-style-type: none"> <li>- Funding for rural Housing Need Surveys</li> <li>- Stating that market homes can be included on rural exception sites subject to 2 conditions: First that they are necessary for the viability of the scheme (which must be proven) and second that they meet an identified local need shown by the Housing Need Survey.</li> </ul>

Question Number	Question	Response
		See also the response to Q56 below.
55	Do you agree with the changes proposed to paragraph 63 of the existing NPPF?	<p>Yes. The context of para. 63 is itself the expectation set out in paras. 61 &amp; 62 that the identified housing needs of local authorities should be met in full. For the reasons set out in our response to Q52 above, we welcome the explicit inclusion of a reference to the need for Social Rent housing. This is the affordable housing tenure product for which the most pressing need exists, and for this reason it is right that the NPPF should make explicit reference to it.</p> <p>This Authority has no objection in principle to the inclusion of ‘looked after children’ (and associated footnote) in the list of groups whose needs should be assessed. However, we would point out that in the areas covered by two-tier authorities, responsibility for determining some needs rests with county rather than district councils. As such we would be reliant on data being provided by the County Council.</p>
56	Do you agree with these changes?	<p>For clarity, the changes consulted on relate to two specific measures to enable local planning authorities to better support community-led housing.</p> <p>Change 13a provides additional flexibility and is supported, although it should be recognised that:</p> <ol style="list-style-type: none"> <li>(1) Some local communities may prefer to continue to deliver new housing schemes via existing established networks of specialist Registered Providers (as distinct from entities specially established for this purpose) on account of the savings in costs and time; so this <i>option</i> should remain open, and;</li> <li>(2) In practice, the formation of community-led bodies, whilst welcome, does require considerable up-front investment in terms of expertise and capital, which may not be readily available.</li> </ol> <p>Consequently, despite considerable efforts, no homes have been delivered via CLTs in our District. Locally communities prefer to (very successfully) deliver many rural homes by working in partnership with a specialist rural housing association.</p>
57	Do you have views on whether the definition of ‘affordable housing for rent’ in the Framework glossary should be	<p>The current definition of ‘affordable housing for rent’ includes ‘affordable private rent’ and excludes this tenure from requiring management by a Registered Provider.</p> <p>We believe it is important for affordable homes for rent to be managed by Registered Providers. Affordable housing for rent accommodates some of the most vulnerable people in society and is rightly subject to strict</p>

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	amended? If so, what changes would you recommend?	<p>regulation. Ensuring all affordable housing for rent is provided by Registered Providers ensures tenants are protected by the same controls and providers operate on a level playing field.</p> <p>Furthermore, as 'affordable private rent' homes do not need to be provided by a Registered Provider it is unclear how this tenure is intended to operate. It would typically sit outside a Council's normal Housing Allocation Policy and therefore potentially subject to a separate nominations process which as an administrative burden on local authorities.</p> <p>Separately, it would be helpful to qualify that affordable rent should not exceed the Local Housing Allowance.</p>
58	Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?	<p>The difficulty in allocating enough small sites to meet the NPPF 10% requirement is probably because most local authorities utilise a 'call for sites' methodology to identify a sufficient supply of land to meet allocative requirements. Local Authorities assess the suitability of sites (of all sizes) through this exercise with confidence on the understanding that land / sites are being put forward by willing landowners who are very likely to agree to the allocation of their land for housing development.</p> <p>Alternatively (if the time and resources were available) Local Authorities could be more proactive in identifying small parcels of land from a desk- based analysis of local ordnance survey maps, however the time and effort of this exercise and then establishing the ownership of the land only to discover it may not be 'available' would have serious resource implications. Most land or property owners understand the value of their assets and potential gains to be made through development and pursue windfall developments in the event they ever miss the opportunity to take part in the formal allocative process and call for site's opportunities.</p> <p>It is considered impractical to impose the 10% small allocation in all cases as it is simply implausible that all Local Authority areas will all have access to a sufficient supply of such sites on brownfield sites or otherwise.</p> <p>Further clarity on what constitutes a small and medium site would be beneficial. Currently paragraph 70 of the Framework specifies a requirement to identify small sites and stipulates that these sites should be no larger than 1 Ha.</p>
59	Do you agree with the proposals to retain references	Yes- the representations made on our Issues and Options Consultation frequently mentioned when referring to density and design options, that the word 'beauty' is very subjective and means different things to different

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	to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?	people. When it comes to design coding, 'well-designed' is easier to define criteria for what this may encompass (functional, climate adaptive and resilient, NbS, practical layout for modern day living etc), making reference to the National Model Design Code, whereas for the word 'beauty', it is much harder to establish parameters.
60	Do you agree with proposed changes to policy for upwards extensions?	It is important to be able to deliver new homes, and for Local Planning Authorities to be able to meet their housing need. As the proposed changes do consider external appearances and character of the existing area- the changes are considered to be appropriate. An authority-wide design code can be used to evidence where significant uplifts in the average density of residential development could be inappropriate if the resulting built form would become out of character for the area- meaning that there is some flexibility to this.
61	Do you have any other suggestions relating to the proposals in this chapter?	No.
<b>Chapter 7 – Building infrastructure to grow the economy</b>		
62	Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?	It is considered important for the economy (nationally and locally) for the planning system to be able to react quickly and positively to the demands of the identified key industries. Therefore, it is agreed that the changes intended to paragraph 86(b) and 87 of the existing NPPF should be delivered.
63	Are there other sectors you think need particular support via these changes? What are they and why?	We cannot readily identify any other sectors that require support via these changes.
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	Need to define the parameters for scale of business/commercial development to be considered by NSIP  Potentially there is value in using the NSIP regime for nationally important infrastructure to streamline the process and speed up delivery of nationally/internationally critical projects. Decisions still need to be timely so PINS would need to be adequately resourced if the projects capable of being determined under the NSIP regime are to be expanded. Meaningful community engagement in such projects would also be a necessity.

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	directed into the NSIP consenting regime?	
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?	No comments on this question
66	Do you have any other suggestions relating to the proposals in this chapter?	No further comments
<b>Chapter 8 – Delivering community needs</b>		
67	Do you agree with the changes proposed to paragraph 100 of the existing NPPF?	Paragraph 100 is primarily about encouraging local planning authorities to work proactively and positively with promoters and others before planning applications to deliver other public service infrastructure are submitted. In this context, the additional sentence looks out of place. Suggesting that significant weight be given to new, expanded or upgraded public service infrastructure may make it harder to ensure that impacts on other important planning considerations set out in the NPPF, e.g. climate change mitigation, biodiversity net gain, heritage and transport are addressed.
68	Do you agree with the changes proposed to paragraph 99 of the existing NPPF?	We agree with the changes made to this paragraph.
69	Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?	We agree with the changes made to these paragraphs.
70	How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?	<p>In terms of promoting healthy communities, planning plays a key part in contributing towards this objective as it has been established that design and operation of built environment has an impact on health and wellbeing of people. A new requirement for major builds to include Health Impact Assessment can be introduced.</p> <p>We do not consider that the current requirements in the NPPF encouraging planners to achieve healthy, safe and inclusive places is working. We would suggest that addressing health inequalities and promoting healthy communities should be made a statutory duty.</p>

Question Number	Question	Response
		<p>We do not consider that LA planning departments are adequately funded or have the right tools and power to tackle childhood obesity. One tool local authorities had under the previous use class order was to restrict the number of hot food takeaways in a certain location as they were classed as A5 use. However, it is difficult to restrict the proliferation of hot food takeaways due to changes in the Use Class Order. The Government can give more powers to local authorities to impose restrictions on the food establishments that sell unhealthy food. Or a new requirement in form of a fourth bullet point could be added in Paragraph 94 which restricts new hot food take away establishments within 400m of the Secondary school and other establishments for young adults. In absence of robust guidance, it is quite difficult for planning authorities to enforce such restrictions. There needs to be more onus on the parents through educating them and making public paths safer to encourage children to walk or cycle. LA's can only provide cycle paths and land for allotments, but we do not consider this to be the function of a local authority to enforce how people take their children to school or how efficiently they use the allotments. We consider that it will be helpful to reinforce a better link between planning and public health.</p>
71	<p>Do you have any other suggestions relating to the proposals in this chapter?</p>	<p>Removing the 35% uplift from the housing target from the 20 most populous urban local planning authorities is sensible, however that will put additional pressure on other local authorities. The revisions to the NPPF, including those relating to public infrastructure, will need to be supported by measures that fall outside of the planning system to ensure that public infrastructure can not only address existing shortfalls but also accommodate future growth. The country needs a rural renaissance to ensure that public infrastructure is future ready. This will include the provision of additional funding for infrastructure that cannot be delivered and sustained solely by contributions from planned development.</p>
<p><b>Chapter 9 – Supporting green energy and the environment</b></p>		
72	<p>Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?</p>	<p>Yes, provided there is strategic planning on national scale for energy infrastructure and where communities are impacted there is genuine community engagement and benefit.</p>
73	<p>Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?</p>	<p>Yes, particularly noting the proposed amendments to para 164 and the removal of a requirement to demonstrate a need for renewable energy.</p>

Question Number	Question	Response
74	Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?	Greater clarity and guidance should be provided on the balance of considering renewable energy site suitability of climate resilient assets, such as sites for high potential for carbon sequestration.
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?	No specific comment, other than to note it is unclear why the threshold shouldn't be the same for all generating renewable technologies.
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?	No specific comment, other than to note it is unclear why the threshold shouldn't be the same for all generating renewable technologies.
77	If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?	No specific comment, other than to note it is unclear why the threshold shouldn't be the same for all generating renewable technologies.

Question Number	Question	Response
78	In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?	<p>There are various ways in which national guidance can help address climate change mitigation and adaptation. Few suggestions include:</p> <ul style="list-style-type: none"> <li>• The new NPPF could make it mandatory for all new homes to be net zero in operation.</li> <li>• A new test of soundness to include local plans to contribute to the legal requirements set out in Climate Change Act.</li> <li>• Local authorities should be allowed to set their own energy efficiency and climate change targets without need for onerous justification.</li> <li>• Local authorities should be encouraged through Government funding to retrofit the existing housing stock to be more energy efficient and resilient to climate. This will also help have a positive impact on people’s overall health and well-being.</li> <li>• Climate change adaptation and mitigation should be given higher weight in determining planning applications.</li> <li>• A clear policy direction along with a clear pathway to achieving net zero by 2050.</li> <li>• 20 minute neighbourhoods could be encouraged/required through the NPPF as they represent a sustainable pattern of development.</li> <li>• Include greater clarity on matters relating to energy conservation and generation in listed buildings.</li> </ul>
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?	<p>There are different types of tools and technologies available to local authorities which help to calculate the baseline figure, amount of CO2 reductions needed etc. The issue is that different local authorities are using different technologies and use different time horizons. There needs to be clear default position which all local authorities should adhere to. Also, each local authority should be required to reduce their share of emissions. There also needs to be a nationally recognised carbon assessment regime to enable local authorities calculate their share of emissions. Following on from that a nationally recognises tool to enable local authorities calculate their emissions and reductions on year-by-year basis. A nationally devised carbon assessment method should be applied to all new buildings, and this should link to the reporting regulation. There needs to be greater resources made available to local authorities to deliver climate change agenda.</p>
80	Are any changes needed to policy for managing flood risk to improve its effectiveness?	<p>It will be helpful to include the climate impacts of flooding as it is a known fact that climate change is making flooding more frequent and intense. An additional bullet point can be added to paragraph 170 to consider the lifetime impact of flooding in light of the climate change scenarios.</p>
81	Do you have any other comments on actions that can	<p>Reiterate food security is related to climate resilience.</p>



Question Number	Question	Response
	be taken through planning to address climate change?	
82	Do you agree with removal of this text from the footnote?	We agree with the deletion of the proposed text from the footnote.
83	Are there other ways in which we can ensure that development supports and does not compromise food production?	We consider that agricultural land should be given explicit reference, and stronger protection should be given to the best and most versatile agricultural land. At present agricultural land is only mentioned a couple of times in the NPPF. If the Government is serious about food security and want to reduce reliance on imports, we think stronger protection should be provided to the most fertile land.
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?	Agree.
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?	There should be a provision for the existing infrastructure to be updated.
86	Do you have any other suggestions relating to the proposals in this chapter?	No.
<b>Chapter 10 – Changes to local plan intervention criteria</b>		
87	Do you agree that we should replace the existing intervention policy criteria with the revised criteria set out in this consultation?	Yes, but more detail should be provided on what the different interventions could be and on the three sets of considerations. As currently proposed it is too vague and allows for inconsistent approaches to occur.

Question Number	Question	Response
88	Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?	No, consider that a set of criteria should be used along the lines of those proposed within the consultation but with further detail added for clarity and consistency.
<b>Chapter 11- Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects</b>		
89	Do you agree with the proposal to increase householder application fees to meet cost recovery?	Yes. Planning application fees from householder applications currently fall notably short of the actual costs of processing the applications. To ascertain whether the indicative fee of £528 is appropriate, it will be important to understand the methodology for setting the fee to ensure that all appropriate costs are accounted for.
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>	Not applicable.

Question Number	Question	Response
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>	<p>It is likely that the costs of determining householder planning applications will vary by authority depending on a number of factors. We have not been able to undertake a detailed assessment of the typical cost of assessing a householder planning application. Our initial thoughts are that the fees should at the very least be increased to £528, if not more.</p> <p>Local Planning Authorities should be empowered to set their own fee level, providing it can be justified.</p>
92	<p>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.</p>	<p>Yes. Fees across a range of application types do not reflect the actual cost of processing the applications.</p> <p>If fee levels are to be amended for householder planning applications at the central government level, then there should be a similar review of all types of planning applications with similar uplifts to ensure full cost recovery. Without a comprehensive review of fees, there could be an imbalance with seemingly more significant development proposals having a lower fee associated with them.</p>

Question Number	Question	Response
		<p>Whilst we believe that fees should be reviewed for all types of applications, we have also sought to provide some specific examples to demonstrate that fees should be reviewed across a range of application types:</p> <p><u>S.73 Removal or Variation of Conditions</u></p> <p>These applications currently attract a flat rate fee of £293. This fee doesn't reflect the extensive work involved in reviewing the planning permission, in order to assess the implications of the changes on the development and how they affect existing conditions - which may or may not have already been approved. Whether the permission has been implemented lawfully is often a further area of assessment, which has to be taken into account.</p> <p>In the light of this, we would recommend that this type of application attracts a fee which is 50% of the original application fee.</p> <p><u>Householder and Change of Use Prior Approvals</u></p> <p>Despite the rhetoric that these applications have simplified the planning system, in practice, the opposite has proved to be the case. The number of material considerations in play is only slightly less than on an equivalent planning application and in addition to this, it is necessary for the case officer to consider a wide range of permitted development points, limitations and conditions. A further area of work which is generated by Prior Approval applications is supporting local stakeholders and consultees in explaining and helping them to understand the limits of what can and can't be considered. It is also relevant that these applications can result in appeals, which again, are not covered by the fee.</p> <p>There is little, if any, difference in the time taken to consider a Prior Approval as opposed to a Full application for the same development. For these reasons we recommend that the fee is brought in line with the equivalent Planning application</p> <p><u>Agricultural Prior Approvals</u></p> <p>Whilst these are rarely as complex as the approvals discussed above, they do take up a considerable amount of time for the case officer to consider the permitted development points, limitations and visual considerations.</p>

Question Number	Question	Response
		<p>In the interests of supporting the rural economy, we wouldn't recommend bringing these in line with the equivalent planning application, but a fee of £500 would better reflect the time and work involved.</p> <p><u>Discharge of Conditions</u></p> <p>These currently attract a flat rate of £145 (£43 Householders) irrespective of how many conditions the submission seeks to discharge. This doesn't reflect the fact that consideration must be made of each individual condition, both in itself and how it might impact on other material elements of the development. For this reason, we would recommend that the fee is multiplied by the number of conditions which are sought to be discharged.</p> <p><u>Retrospective Applications</u></p> <p>A 'double-fee' for these has previously been proposed on a number of occasions but not taken up. Retrospective applications are usually more controversial and complex than other ones and can sometimes generate more opposition. This would also act as a deterrent to those who unlawfully go ahead and carry out development without permission. Such a move would also help improve public confidence in the planning system. We would therefore recommend a double-fee for all retrospective or part-retrospective applications.</p> <p>If fees for some types of proposals (particularly at the lower end of the scale) increase too much, there could be a risk of increased levels of unauthorised development.</p>
93	<p>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.</p>	<p>Yes, the following application types should be subject to a fee:</p> <p><u>Works to TPO trees and trees in Conservation Areas</u></p> <p>The cost of considering these applications is currently met entirely from Local Authority budgets. Whilst the issues are more limited than on a planning application, these applications require a high level of expertise. Therefore, a fee of around £200 would likely cover the cost of processing these applications. They may, however, have an unintended consequence of encouraging property owners to undertake works to trees</p>

Question Number	Question	Response
		<p>without consent. Good maintenance of trees is important to ensure trees don't become a safety risk or impact upon the amenities of residents and again we wouldn't wish to inadvertently place a barrier on such maintenance.</p> <p><u>Plan-Making</u></p> <p>In addition to these, the plan-making function of LPAs could recover some costs through the 'Call for Sites' part of the process. The administration and consideration of these sites would justify a fee of anything between £500-1,000 per site and could be tiered by size of site.</p>
94	<p>Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?</p> <p>Please give your reasons in the text box below.</p>	<p>Yes. Whilst there will be a resource implication to the local planning authority to set and justify its own fees, we consider it appropriate to allow authorities to set their own fees to enable full cost recovery. This will allow for an appropriately resourced service that can be based on a stable financial footing.</p> <p>Local planning authorities should be able to charge for full cost recovery. This should not only include work directly undertaken by the planning teams but other services within the authority that are required to commit resource to the assessment of the application, such as conservation, planning policy, green spaces and environmental protection.</p>
95	<p>What would be your preferred model for localisation of planning fees?</p> <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</p>	<p>We would be happy with a Local Variation model. This provides a degree of consistency around typical fee levels nationally but crucially would give individual local planning authorities the opportunity to set alternative fees providing they can be justified.</p>

Question Number	Question	Response
	<p>giving local planning authorities the option to set all or some fees locally.</p> <p>Neither 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>Yes. For example, the current NPPF and proposed changes to the NPPF emphasise the importance of plan-making. Yet, Councils struggle to appropriately fund planning policy teams to enable them to consider the ever-increasing matters that planning has to take into consideration. By allowing planning fees to go beyond cost recovery this could support the often costly work of planning policy, including conservation work.</p> <p>If councils are permitted to fund wider planning services through fee increases, this would be most appropriately targeted at major applications. This is in part because the government evidence shows that it is smaller householder applications where there is the greatest discrepancy between the current fee level and any "full cost" of processing these applications. Therefore, smaller applications are likely to be proportionately more impacted already by any fee increase that covers only the cost of processing the application.</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>A wide range of wider planning services including: Planning policy; conservation; costs related to internal and external consultees responding to planning applications; planning enforcement; housing strategy work relevant to planning.</p>
98	<p>Do you consider that cost recovery for relevant services provided by local authorities in</p>	<p>No response to this question.</p>

Question Number	Question	Response
	relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?	
99	If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.	No response to this question.
100	What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?	No response to this question.
101	Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work	No response to this question.



Question Number	Question	Response
	undertaken by local authorities in relation to applications for development consent.	
102	Do you have any other suggestions relating to the proposals in this chapter?	No response to this question.
<b>Chapter 12 – The future of planning policy and plan making</b>		
103	Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?	<p>Local Authorities, local communities and other relevant stakeholders would benefit from as much certainty as possible with regards to plan making. There is a risk that plans are prepared and consulted on based, for example, on one set of housing need figures and then at a later more advanced stage of the plan, the local authority may be required to change them significantly because of changes at the national level. This could result in costs associated with abortive work and the need for additional work to be undertaken and could cause significant delays to plan-making and in turn the delivery of the Government’s aspirations for significantly increasing housing delivery. Therefore, it is important that Government update the NPPF at the earliest opportunity to provide this clarity, having fully considered responses to this consultation.</p> <p>It would also be helpful if clarity is given on what elements of the LURA that relate to plan making, that require secondary legislation, are to be brought forward and a proposed timetable for their delivery.</p>
104	Do you agree with the proposed transitional arrangements?	Yes. However, see comments in response to Q103.
105	Do you have any other suggestions relating to the proposals in this chapter?	No.
<b>Chapter 13 – Public Sector Equality Duty</b>		
106	Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so,	We would like to see a minimum person capacity specified for new build social/affordable rented housing to align their design with the bedroom entitlement rules. For example, 1 bed homes should be for 2 people, 2 bed homes for 4 people and 3 bed houses for 5 people. The minimum bedroom sizes should be taken from the Nationally Described Space Standards.

Question Number	Question	Response
	<p>please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?</p>	<p>We would also welcome mandatory M4(2) compliance for all new homes and a proportion of homes to M4(3) standards to help address the challenges of an ageing population.</p>