**Guildford Borough Council response to proposed reforms to the National Planning Policy Framework and other changes to the planning system 2024**

Date: 24 September 2024

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

***GBC response****: Yes.*

Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

***GBC response****: Yes.*

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

***GBC response****: No comment.*

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

***GBC response****: Yes. It is considered that draft NPPF 2024 para 127a and 132c already provide sufficient scope to resist significant uplifts in average densities in areas where this would be considered inappropriate due to the impact on local character and the historic environment.*

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

***GBC response****: Yes. It is considered that this would focus the design code tool at the appropriate localised scale and location (in areas subject to change) to ensure that new development can be appropriately shaped and managed. It would also avoid LPAs expending significant resources preparing unnecessary generic district-wide codes.*

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

***GBC response****: Yes. The change aids clarity regarding which policies are referred to under para 11d and emphasises the importance of NPPF policies regarding location and design of development in applying this test.*

Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

***GBC response****: No. GBC are concerned that the proposed removal of the current protection from challenge to 5 year supply during the first 5 years of a new/updated Local Plan (especially when combined with proposed changes to the NPPF regarding proposals affecting the Green Belt) may disincentivise plan-making and threaten the plan-led approach. Whilst LPAs can allocate sufficient sites to demonstrate a rolling five year supply at the date of adoption, this is based on information available at that time and commitments provided by the relevant site promoters. However once allocated, the LPA does not control all aspects related to the rate of delivery of these sites. With the proposed introduction of ‘grey belt’, which would not be considered inappropriate development in instances where there is no five year land supply, there is a significant risk that developers of these sites may choose to deliver these sites at a slower rate than promised at the plan-making stage in order to create additional development opportunities. This would undermine one of the key benefits of preparing a plan which is to resist speculative, unplanned development that is often piecemeal and therefore not supported by the appropriate level of infrastructure.*

*There are a number of potential ways in which this risk could be ameliorated. First, consideration should be given as to whether an exemption from having to demonstrate a five year supply for the first five years could be granted in those instances where the LPA has taken significant and positive strides to ensure that the plan is capable of withstanding changing circumstances. This could include through identifying a sufficient buffer in supply to counter any slippage or non-delivery of sites and demonstrating a rolling five year supply that is at a level above the minimum of five years to show that there is flexibility built into the plan.*

*Second, should this alternative approach be rejected, consideration should be given as to whether LPAs should be exempted from the provisions set out in draft NPPF 2024 para 152 where there is an up to date plan that has met the full identified housing need. To do so would disincentive developers of allocated sites from deliberately slowing or managing their delivery to enable the grey belt exception to continue to apply irrespective of the plan’s status. This would also encourage plan-making and ensure that the piecemeal Green Belt development that would occur as a result of draft NPPF 2024 para 152 would be limited to the early years prior to LPAs being able to bring forward their new style Local Plans. It would ensure that in the longer term, subject to LPAs keeping their plans up to date, development in the Green Belt is assessed at a strategic/district wide level through Green Belt reviews where they can be supported by the appropriate level of infrastructure and development can be focussed to those areas which are most sustainable.*

*Finally, in addition to these suggested alternative approaches, there is an ongoing issue related to the overall effectiveness of the ‘titled balance’ in actually remedying the situation (of a lack of five year housing land supply). Currently there is no mechanism to ensure that sites that are granted permission as a direct result of applying the tilted balance are actually capable of being delivered within the five year period. This is particularly the case where it relates to large scale sites, outline applications which require significant further work to enable the grant of reserved matters or complex sites that require significant preparatory works prior to house building commencing. Granting planning permission for these types of sites under the guise of a lack of five year supply simply leads to additional speculative, unplanned development that does not in itself serve any benefit in helping to make up the shortfall in supply. It would be most appropriate that these sites, particularly large scale sites, are advanced through the plan-making process rather than in an unplanned manner through planning applications / appeals, especially during the first 5 years of a new/updated Local Plan.*

*Should this proposed change be implemented as proposed, GBC consider that stronger mechanisms should be in place to ensure that any development proposal/s approved based (at least in part) on lack of 5 year supply actually deliver during this five year period. This may include:*

* *attaching strict conditions regarding commencement and completions during a specified period (and forfeiting planning permission if these are not met);*
* *limiting the scale of sites that could be considered under this circumstance (including sites justified as ‘not inappropriate’ on the basis of proposed new para 152 of the draft NPPF);*
* *requiring that sites are only advanced and considered for full planning permission (rather than outline) to ensure that they meet the evidential presumption of being deliverable.*

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

***GBC response****: No. By removing the ability to count over supply you are disincentivising councils from allocating more housing than they need for robustness and added flexibility. It would also discourage councils from preparing plans with a front loaded trajectory if the extra units delivered in the early years could not be used to offset later reductions in supply. Housing delivery by its very nature will vary over time based on the types of sites that are being delivered at any one time.*

Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

***GBC response****: Please refer to our response to Question 7. There is merit in requiring a buffer in supply for plan-making purposes to ensure that local plans are deliverable, robust and have sufficient flexibility to adapt to changing circumstances. The level of buffer required in individual local plans is likely to vary depending on local circumstances so should be left to individual councils and inspectors to determine and assess. A plan that is reliant on mostly strategic sites may require a greater buffer to ensure flexibility if the sites do not deliver as planned whereas a plan that is comprised of mostly smaller sites or sites that already have permission would require a smaller buffer as there is greater certainty regarding the delivery of the housing trajectory.*

*However, requiring a buffer when calculating the annual five year land supply calculation will simply make it even more challenging for authorities to be able to maintain a rolling five year supply particularly in Green Belt areas (see our response to Question 7). The proposed new Standard Method figures represent a significant uplift in housing need for the majority of councils outside of London, with most seeing an increase greater than 200 dpa. Delivery of these levels of growth nationally will be challenging across the whole market. To support this level of growth will require a step change in the house building industry as a whole; including its supply chain and its workforce. These are all factors outside the control of the LPA. Therefore, the addition of a buffer, at whatever level, will simply compound an already challenging level of delivery. This would disincentivise plan-making by making it more difficult to have an up-to-date local plan.*

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

***GBC response****: No comment.*

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

***GBC response****: Yes.*

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

***GBC response****: Yes although the re-introduction of strategic planning across the whole country should be expedited as the duty to cooperate is in many cases ineffective at addressing issues of unmet need.*

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

***GBC response****: No comment.*

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

***GBC response****: No comment.*

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

***GBC response****:* *Yes.*

Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method’s baseline, is appropriate?

***GBC response****: Yes. As an indicator for affordability, using the workplace-based ratio is appropriate as it assesses the extent to which people working in an authority are able to afford to live in that authority. This helps reduce the need to travel and the cost of doing so and adds flexibility in general to the workforce (e.g. part time workers).*

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

***GBC response****: The weighting that is being proposed to be given to the affordability is significant. Whilst there is merit is targeting new homes in areas which are less affordable as this is likely to indicate an imbalance between the demand for homes and the available supply, the current weighting leads to significant uplifts when compared to the housing stock baseline. In Guildford, which has a workplace-based ratio of 12.52, the uplift is approximately 130% of the housing stock baseline. On the basis that the 0.8% growth on housing stock is consistent with past average rates of delivery, the Standard Method results in a significant uplift from past levels of delivery and is likely to be extremely challenging to meet. It is understood that the Standard Method has to a greater extent been reversed engineered in order to distribute the government’s ambition of delivering 300,000 homes a year. Whilst we consider there is merit as an interim solution, we consider there should be a greater spatial logic to distributing homes in the longer term through the proposed reintroduction of strategic planning. Please refer to our response to Question 19.*

Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

***GBC response****: Yes.*

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

***GBC response****: The proposed Standard Method is a crude and blunt way of portioning the Government’s annual housing building target amongst the various councils. A proportionate approach to existing building stock and an uplift based on a single affordability factor does not necessarily direct growth to the most sustainable places or the areas which are most suited for accommodating the associated economic growth. For this reason, it should be seen as an interim measure only in order to get the country building and deliver the much-needed homes in the short term. However in the medium to longer term, the focus should be on the creation of a country-wide strategic planning system with the necessary governance and powers needed to deliver a coherent national and regional growth strategy. This would ensure that the 300,000 homes are directed to those areas which offer the greatest opportunities for economic growth, are able to sustainably deliver and accommodate this level of development and can be supported by the necessary infrastructure.*

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

***GBC response****: Yes. Whilst there has always been a presumption in favour of brownfield development and in most cases brownfield sites will be suitable in principle for development, there may be instances where this is not the case. For example, the land might be located in an area that floods. In these instances there needs to be sufficient controls retained in order for development on these sites to be resisted.*

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

***GBC response****: Yes. This change does not significantly alter the way in which this exception is applied and does simplify it. There is always likely to be an affordable housing need across the LPA, so the second limb would always apply (ie the substantial harm test) which aligns with the proposal amendment. Where is does open up additional opportunities is in relation to proposals for other non-housing development and housing development which is below the affordable housing threshold.*

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

***GBC response****: Glasshouses for horticulture should not be included within the definition of PDL. Currently, building for agriculture and forestry is one of the Green Belt exceptions (draft NPPF 2024 para 151a). This exception is not qualified in terms of its impact on the Green Belt and therefore its location and scale are not relevant considerations insofar as Green Belt policy is concerned. If the definition of PDL was amended to include glasshouses, there is a risk that this would have unintended consequences on the Green Belt as their redevelopment would then be allowed under draft NPPF 2024 para 151g. The scale of some glasshouses is significant and this would allow potentially significant levels of non-agricultural development to occur in the Green Belt. Replacement glasshouses could then be provided elsewhere, justified on the basis of their agricultural function which could again be used in order to facilitate otherwise inappropriate development in the Green Belt.*

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

***GBC response****: No. The proposed definition in the Glossary and in the consultation document make references to a site that either makes a ‘limited contribution to the Green Belt purposes’ or does ‘not strongly perform against any Green Belt purpose’. By its very nature, all Green Belt will score positively against at least a number of the five Green Belt purposes. As a policy designation restricting development they will all perform strongly against Purpose ‘e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land’. If the site is located adjacent to a built up/urban area, as is presumably the intention in order to ensure that it is in a ‘sustainable’ location (draft NPPF para 152a), it will also perform strongly against Purpose ‘a) to check the unrestricted sprawl of large built-up areas’. Furthermore, it is acknowledged that there is insufficient PDL in the Green Belt to meet development needs which will necessitate the use of some greenfield Green Belt. Any greenfield Green Belt site will, by its very nature, perform strongly against Purpose ‘c) to assist in safeguarding the countryside from encroachment’. Therefore, as currently drafted it is highly unlikely that any Green Belt would possess the characteristics to enable it to be defined as ‘grey belt’. Conversely, when one looks at the second set of criteria in the consultation document, b(i) – (iv), it is highly likely that the vast majority of all Green Belt sites would have at least one of these features.*

*If the aim is to allow poorer performing Green Belt to be developed, potentially outside of a strategic Green Belt review that would be undertaken as part of the plan-making process, then the test should focus on protecting those Green Belt sites which contribute over and above ‘generic’ Green Belt purposes due to their specific location. In other words, Green Belt which performs strongly against a purpose that cannot be easily replicated on a number of other sites. It is considered that any sites performing strongly against either Purposes ‘b) to prevent* neighbouring *towns merging into one another’ or ‘d) to preserve the setting and special character of historic towns’ should not meet the definition of grey belt. These are sites that play an important role beyond that of simply containing development within the urban areas. However to solely rely on only these two purposes to define grey belt would result in the vast majority of Green Belt being defined as grey belt. A further set of criteria, unrelated to Green Belt purposes, would need to be identified in order to ensure that the scope of grey belt is at a level consistent with the protection of the Green Belt as a principle and capable of providing sufficient levels of sustainable development coming through the planning application process in the short term. Applying the ‘sustainable location’ test would help to limit the scope of grey belt however on its own would still have the potential to release a significantly higher level of grey belt for development than intended.*

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

***GBC response****: No comment.*

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

***GBC response****: Yes. Whilst it is important that the definition itself is contained within the NPPF in order to give it the status of national policy, there should be additional guidance contained within the planning practice guidance. This would allow more detail to be provided to assist councils and applicants in understanding the parameters within which to assess land. It would also potentially benefit from being able to be updated more quickly and easily if it were found that the guidance provided was not being consistently interpreted or it was leading to unintended consequences. It is likely that the concept and application of grey belt will evolve as decisions are made and potential issues are uncovered following its implementation.*

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

***GBC response****: See response to Question 23.*

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

***GBC response****: Local Nature Recovery Strategies will identify areas most suited to biodiversity enhancement/restoration irrespective of whether they are within the Green Belt or not.*

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

***GBC response****: Yes. It should be made clear that two of the three sequential approaches to Green Belt (namely PDL and grey belt) are applicable, under certain circumstances, in both decision making and plan-making whereas the third category (land that is removed from the Green Belt following a Green Belt review) is part of the plan-making process only. There should be clear and distinct criteria/definitions associated with each. See our response to Question 30.*

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

***GBC response****: Draft NPPF para 142 states that Green Belt boundaries should be amended to meet needs in full ‘unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of the plan as a whole’. Currently there is inconsistency in how Green Belt reviews are undertaken between different authorities. The planning practice guidance should include a clear methodology for how to undertake these reviews should there be insufficient PDL and grey belt land to meet needs. This would ensure that there was clarity of the circumstances that would be applicable to demonstrate that needs could not be met in full.*

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

***GBC response****: No. Draft NPPF para 152a currently includes the requirement that ‘the development would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole’. This should not form part of the definition for grey belt allowed through the decision making process as it would be too easy for any site to demonstrate that it would not do so. The definition of grey belt should instead be much more restrictive than this as it will be considered on a site by site basis. This test should instead only be applicable to strategic Green Belt reviews which are undertaken as part of plan-making if it is found that, in applying the sequential approach set out in draft NPPF para 144, there is insufficient PDL or grey belt land to meet the identified need. This would enable the cumulative impact of the Green Belt amendments to be assessed to ensure that it did not fundamentally undermine the function of the Green Belt across the LPA area as a whole. Please refer to our response to Question 23.*

Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

***GBC response****: In relation to the trigger in draft NPPF para 152b, there is significant overlap with the issues that we raised as part of our response to Question 7. Any grey belt sites that are progressed outside the plan-making process due to a lack of a five year supply should be under a stricter requirement to demonstrate that they are capable of delivering in its entirety within the five year period. If they do not deliver within this period, or only partly deliver, then they are not remedying the issue that they are using to justify their site. Instead, they are simply leading to further unplanned piecemeal development in the Green Belt and outside of a plan led approach. These larger or more complicated grey belt sites should instead be considered strategically as part of the plan making process where development can be directed to the most sustainable locations.*

*GBC consider that in order to be considered ‘not inappropriate’ and permitted under draft NPPF para 152b the following criteria should apply:*

* *strict conditions attached regarding commencement and completions during a specified period (and forfeiting planning permission if these are not met); and*
* *limiting the scale of sites that could be considered to those capable of delivering in full within the five year period; and*
* *requiring that sites are only advanced and considered for full planning permission (rather than outline) to ensure that they meet the evidential presumption of being deliverable.*

*The second part of draft NPPF para 152b includes a further trigger of when ‘there is a demonstrable need for land to be released for development of local, regional or national importance’. Whilst the consultation document indicates that this applies to ‘commercial and other development needs’ this is not clear from the wording proposed in the NPPF. As currently read, it could be argued that this would include affordable housing. If so, this would always be considered to be development of local importance and would mean that grey belt development would always be considered ‘not inappropriate’ which is not the intention. The NPPF should be amended to read: ‘…or there is a demonstrable need for land to be released for non-residential development of local, regional or national importance’.*

*The requirement set out in draft NPPF para 152c (meeting the conditions set out in para 155) is superfluous as it is already required and referenced in para 152a. It should be deleted from either a or c.*

Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

***GBC response****: The sequential approach to Green Belt when preparing a local plan should be applicable to meeting traveller needs in the same way as meeting other housing needs. There should be a consistency in approach, including when decision-making.*

Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

***GBC response****: There should be a standard methodology and approach set out in the planning practice guidance in relation to how to carry out the assessment of traveller accommodation need to ensure consistency between councils.*

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

***GBC response****: Yes. GBC agree that the tenure split across affordable housing delivered under the golden rules should be for local authorities to decide.*

Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?

***GBC response****: GBC consider that the 50 per cent target should apply to all ‘new’ sites that under the current NPPF would be considered ‘inappropriate’. This would include sites permitted on ‘grey belt’ land and sites removed from the Green Belt as part of the plan-making process. This would however be ‘subject to viability’ as per draft NPPF para 155a. It would be up to a prospective applicant to justify the need for a viability assessment at planning application stage (as per current NPPF para 58 and draft NPPF Annex 4).*

*Where there are abnormal site costs and policy compliant development cannot be delivered in accordance with draft NPPF Annex 4 para 4 GBC considers that there should be flexibility for the LPA decide whether it wishes to vary the tenure mix (to provide less or no social housing) or vary the 50% to still deliver so that it can still deliver the type of affordable housing that is most needed.*

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

***GBC response****: Yes.*

Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?

***GBC response****: Yes.*

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

***GBC response****: No response.*

Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?

***GBC response****: Agree. This would assist by ensuring that any viability negotiation is based solely on justified factors (such as site-specific abnormal costs) and avoid overpayment for land leading to such circumstances.*

Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?

***GBC response****: It would appear appropriate to retain a firm target once it is set. Not to do so would introduce uncertainty. To seek additional contributions would also no doubt increase complexity and require viability assessment on policy compliant applications, which would likely increase the resource burden on the LPA without the certainty of any benefit.*

Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

***GBC response****: Yes – this is already required under GBC’s Local Plan Development Management Policies. It is proposed that further detail be provided, potentially as part of the planning practice guidance, regarding how any surplus identified at viability review should be shared. This could take the form of (a) standardised formula/e to seek to reduce scope for disagreement and ensure the process is consistent and transparent.*

Question 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?

***GBC response****: The golden rules seek to deliver additional public benefits recognising that this land generally has a low existing land use value. Given the value released through developing land that would otherwise be inappropriate, it is considered important that these sites should deliver over and above what would otherwise already be required. This will help provide clarity regarding the benefits of what is often a very contentious issue. GBC consider that any development on grey belt land through decision making or land taken out of the Green Belt through the plan making process should be required to deliver these additional benefits, for example subsidised commercial units for local start up businesses. There may not necessarily be the same value released through commercial and particularly traveller sites so any golden rules in relation to them will need to be subject to viability.*

*GBC do not consider that the golden rules should apply to development that is already caught by one of the existing exceptions in the current NPPF. These sites are already considered ‘not inappropriate’ and therefore do not benefit from the same uplift in land value.*

Question 43: Do you have a view on whether the golden rules should apply only to ‘new’ Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

***GBC response****: No response.*

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

***GBC response****: No response.*

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

***GBC response****: No response.*

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

***GBC response****: No response.*

Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

***GBC response****: Yes.*

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

***GBC response****: Yes.*

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

***GBC response****: Yes.*

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

***GBC response****: No response.*

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

***GBC response****: Yes.*

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

***GBC response****: Subsidise delivery through grant funding ringfenced to Social Rented homes.*

Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

***GBC response****: Clarity on the impact of Social Rent on financial viability would need to be established.*

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

***GBC response****: Continue to support Rural Housing Enablers to support community led rural developments. Link affordability for rural schemes based on local incomes. Allow a small proportion of market housing where this enables the delivery of affordable housing. Maintain current protections under Rural Exception Policy to prevent staircasing out and the loss of the Affordable Housing.*

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

***GBC response****: Yes.*

Question 56: Do you agree with these changes?

***GBC response****: No response.*

Question 57: Do you have views on whether the definition of ‘affordable housing for rent’ in the Framework glossary should be amended? If so, what changes would you recommend?

***GBC response****: No response.*

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

***GBC response****: Combined with the increase in local housing need figures, it is particularly onerous to identify the number of (homes and) small sites required to make up the 10% requirement through a Local Plan / Land Availability Assessment (LAA) process. It is considered that the Local Authority role should be to enable small sites to come forward (e.g. through windfall), not to necessarily identify them through the Local Plan process. It is considered that the proposals around ‘Grey Belt’ may assist in this regard. It is agreed that a range of size of sites can assist with ensuring delivery and choice and competition in the market. In this regard, it may be useful to focus on NPPF provisions relating to medium size sites (larger than the current small sites threshold) as these sites are more feasible to either identify as part of the LAA and count toward supply, or allocate through the Local Plan.*

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework?

***GBC response****: Yes.*

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

***GBC response****: Yes.*

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

***GBC response****: No.*

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

***GBC response****: Yes. In relation to the amendments proposed at draft NPPF para 85b, upstream infrastructure, including driver facilities and rail freight elements should be considered across Planning Authority boundaries and as part of a national network.*

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

***GBC response****: No response.*

Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

***GBC response****: Yes.*

Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

***GBC response****: Yes.*

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

***GBC response****: No response.*

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

***GBC response****: Yes. It is considered that this change is positive. The provision of supporting infrastructure remains a challenge, particularly as the Council is not responsible for the provision of much of it (education, health, etc). Challenges may extend beyond the availability of local contributions toward physical infrastructure to issues relating to staffing, ‘top up’ funding (e.g. grants), and capacity of infrastructure providers to implement projects. We would encourage Government to consider a wholistic approach which addresses blockages to the delivery of infrastructure including those matters that are outside of the scope of the Local Planning Authority to influence.*

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

***GBC response****: Yes.*

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

***GBC response****: Although the intent of this amendment is understood, the brevity of the addition allows a number of interpretations. Reference should be made to an appropriate and proportional form of modelling, if required. In order to eliminate the possibility of a baseline scenario being counted towards/against this measure, we would recommend the inclusion of a reference to projected scenarios, e.g. “All projected scenarios”.*

*In practice, there is a risk that the only future scenario highway authorities will ask for will be the most ‘robust’ worst case, which would be in direct opposition to the apparent intent of the amendment. Applicants might also propose a vastly over-engineered solution with multiple highways-based interventions in order to have one scenario with no severe impacts, pass the test, and then implement the heavy-handed highways scheme when not appropriate, again creating the inverse effect to that desired. The use of scenario testing is that you can test what might happen in the future and tailor an appropriate solution, this amendment could dilute the precision of modelling and create negative impacts.*

*The amendment may also conflict with the concept of a vision-led approach through the implication that traditional modelling techniques are still the default approach to assessment.*

*The Secretary of State for Transport needs to define what their vision is, in conjunction with these changes. Alongside this, the Secretary of State would be well-advised to align all guidance with the revised outlook and encourage use by their related agencies & companies, to create a unified approach, with consistency of application.*

*Manual for Streets 3 now needs to be released after significant delay and the new administration must set out their vision for transport in a comprehensive way before the new NPPF is in place. At present, there are ambitions around rail and bus travel, but this is far from a comprehensive picture. Without a vision for all modes there is no practical way to implement a vision-led approach. Further, thinking about transport in entirely placemaking terms doesn’t work. Transport is based on networks and trips which impact a number of places along their route. One suitable area is only as strong as the weakest adjoining area people must travel through, in order to get there.*

*Transport, in the NPPF, receives minor revisions each time which has now created a disjointed picture, with amendments applied to amendments. This section, and Chapter 9 as a whole, require a comprehensive reset, and now may be the time to undertake this exercise.*

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

***GBC response****: National policy should support local authorities in delivering high quality places that support healthy communities including through the provision of community facilities, open spaces, community growing spaces, affordable commercial units for local food retailers and comprehensive proposals that encourage active travel. Restrictions in terms of hot food takeaways are better controlled through the licensing regime rather than planning.*

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

***GBC response****: No response.*

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

***GBC response****: No response.*

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

***GBC response****: Yes. Updating the NPPF to provide greater support would be in line with the approach being taken by Planning Inspectors at appeals (i.e. significant weight). It will give Decision Makers greater clarity when assessing if the benefits outweigh the harm, this could reduce the number of refusals that currently go to appeal.*

*In relation to draft NPPF para 161b, a requirement to allocate specific sites will be difficult to implement without also providing the criteria for identifying them. As part of its plan preparation, GBC undertook a renewable sites study but only found broad locations that could or may not be suitable. Whilst a broadbrush approach of applying hard constraints to narrow down the general areas that could be appropriate is relatively simple, it is challenging to distinguish between individual sites to enable an allocation. A helpful dataset would be information showing local grid constraints capacity to accommodate new energy connections as this is frequently the determinative factor.*

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

***GBC response****: Yes. There are plenty of alternative areas which are not covered by important habitats which should be used instead. Additional protections should be given to these habitats, potentially through an expansion of the list of irreplaceable habitats (*[*https://www.gov.uk/guidance/irreplaceable-habitats*](https://www.gov.uk/guidance/irreplaceable-habitats)*). Peat soils is an obvious omission from this list, as well as a number of important grassland habitats. Natural England had originally indicated that these habitats were going to be included within the list.*

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

***GBC response****: No response.*

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

***GBC response****: No response.*

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

***GBC response****: No response.*

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

***GBC response****: Building Regulations function as a backstop beyond which developments must not go. This could be supplemented by a National Development Policy on low or zero carbon development, which sets a planning standard better than the Building Regulations backstop. Developments that cannot achieve the planning standard (but can still meet or exceed the Building Regulations standard) could still be consented if the planning balance falls in their favour. This could sit on top of the proposed Future Homes standard and function as a stepping stone to a Building Regulations zero carbon standard. It should be noted that the proposed Future Homes standards (option A and B) do not appear to be overly onerous as many developments already achieve a similar standard i.e. Part L 2021 fabric plus gas free building services and some level of solar.*

*Presently, there is no guidance on embodied carbon. Meeting net zero targets will require emissions from construction and materials to be quantified and then reduced - through a similar approach taken to regulated emissions from buildings (i.e. TER/DER). As part of the review of SAP (and introduction of the Home Energy Model) there should be a national methodology for calculating the embodied carbon of a building. The methodology can be used to set national targets, which could then be improved on at a Local Authority level where this is evidenced through the local plan process and found to be justified and viable.*

*National policy should require that any renewables that are proposed to be provided as part of a development is maximised to its full potential rather than simply to the point at which the minimum standard is met (i.e. tokenistic solar installations with just one or two panels). This is particularly important for in-roof panels, because it’s very difficult to add additional panels to in-roof systems. For above roof systems, the inverter would likely be sized to the installed system so adding panels could require replacement of the inverter, notification of DNO, as well as possibly replacing the roof rails. These improvements are likely to be prohibitively expensive and would lead to a waste of resources.*

*Planning applications continue to be submitted for proposals that include gas boilers. National policy should seek to generally prohibit these except for in very specific circumstance which could be set out in a National Development Management Policy. In these instances, there should be a requirement that any gas homes should be easily adaptable to a non-gas system. It should be noted that whilst current Building Regulations requires heating systems to be designed for low flow temperatures, this is not sufficient on its own to make a home adaptable.*

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

***GBC response****: Currently there is considerable variation between local authorities. Regarding assessing planning applications, some authorities do nothing while others have adopted established systems to consider the carbon performance of development proposals, some including embodied carbon. In all instances however there is reliance on data provided for by the applicant. There should be a nationally recommended approach which should be submitted at planning application stage. GBC currently uses Standard Assessment Procedure (SAP) as a carbon accounting methodology, because applicants have to produce the data anyway, but SAP is not really a modelling tool. Additionally, there is the known performance gap issue between what is predicted at planning application stage and what is actually delivered. A clear national approach should be developed which would reduce the burden on councils from having to use energy consultants or commission additional resources.*

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

***GBC response****: National policy and guidance should provide greater clarity in relation to how development proposals within flood zone ‘defended’ areas are to be assessed.*

*There should also be greater clarity in relation to a more proportionate approach to surface water flooding (i.e. no sequential test), as this can be addressed more easily through site design and can even lead to a betterment of the existing situation.*

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

***GBC response****: The December 2023 Written Ministerial Statement should be revoked to remove the requirement that any locally set standards are linked to the TER/DER (Target Emission Rate / Dwelling Emission Rate) metric. With the use of gas diminishing significantly, TER is no longer a useful metric. Fabric efficiency is far more important, so local standards in relation to TFEE/DFEE (Target Fabric Energy Efficiency / Dwelling Fabric Energy Efficiency) would be much more effective. Additionally, Parliament intended (through the Planning and Energy Act 2008) that local authorities should be able to set energy efficiency standards and standards for the use of renewable energy. TER/DER is not aligned with either of these requirements (i.e. you cannot set an energy efficiency or renewable energy standard using TER/DER).*

*There should also be national policy or guidance on demolition / circular economy. Some Local Plans (e.g. Westminster) already require the submission of documents like Circular Economy statements. There should also be national policy on the impacts of demolition (for when an applicant demonstrates circular economy approach is not feasible) and how the sustainability disbenefit of demolition can be overcome (e.g. by a highly sustainable building).*

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

***GBC response****: Yes.*

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

***GBC response****: Consideration should be given to the creation of a national strategy that seeks to identify and protect those areas of the country which are most important in ensuring the future food security.*

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

***GBC response****: No response.*

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

***GBC response****: No response.*

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

***GBC response****: The optional Building Regulation standard of 110 litres pp/pd (per person per day) for new dwellings should replace the national standard of 125 litres pp/pd. The 110 litre standard is easily achievable and as it can be achieved through a fittings only approach, the cost is negligible. Areas in serious water stress should be able to apply a stricter local standard or have a national standard applied through either the Building Regulations or a National Development Management Policy.*

*National policy or guidance should also address the need for grey water re-use as water efficiency will only go so far. Replacing toilet flushing water with grey water could cut consumption in half. Anecdotally, houses where toilets are flushed with bathwater achieve consumption rates of 40-50 litres pp/pd.*

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

***GBC response****: No response.*

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

***GBC response****: No response.*

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

***GBC response****: Yes.*

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

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

***GBC response****: Yes. Of the options, it is considered that £528 is appropriate.*

Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?

Yes
No – it should be higher than £528
No – it should be lower than £528
no - there should be no fee increase
Don’t know

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

***GBC response****: Yes, we support greater cost recovery and would welcome information being shared on how this figure has been arrived at – it is considered that if not already done, more research should be undertaken including sampling from various LPAs to support (potentially regionally specific) fees . Further it is considered fees should keep track with increased costs over time and such research should be undertaken periodically.*

Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.

***GBC response****: Yes. Fees for determining Prior Approval are inadequate and often require a similar amount of LPA resource to deal with as planning applications. S73 applications are also often complex and resource intensive and the fee should be proportionate to the original planning application, with some discretion provided to the LPA to charge a lower fee under certain (locally set) criteria.*

Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

***GBC response****: It is considered that planning appeals, particularly public Inquiries should be charged for as costs to the LPA can be very significant, not only in defending the appeal but also in relation to administrative costs.*

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

***GBC response****: There should be a level of flexibility in certain respects, but we favour a nationally set fee (potentially with regional variation) as a default.*

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

Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.
Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.
Neither
Don’t Know

Please give your reasons in the text box below.

***GBC response****: Local variation.*

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

***GBC response****: Yes.*

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

***GBC response****: Yes. Fees should cover costs of necessary consultees / specialist external consultants (beyond viability assessment which is already covered) whilst the use of PPA can be a way of recovering costs this in itself can be a time consuming exercise adding time and resource to carry out negotiation rather than progressing the work.*

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

***GBC response****: Planning fees should cover, in a proportionate way, all the specialist services that contribute to the assessment of a planning application.*

Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?

***GBC response****: Yes.*

Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

***GBC response****: There should be a formal mechanism to recover costs for specialist advice.*

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

***GBC response****: Cost recovery should be based on submission of evidence of time spent in a similar way to the way Building Control fees are set.*

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

***GBC response****: No response.*

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

***GBC response****: No response.*

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

***GBC response****: No response*

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

***GBC response****: No response.*

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

***GBC response****: No response.*

Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

***GBC response****: No response.*