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Law and Governance

Julie Newman
Director of Law and Governance
Council House
Earl Street
Coventry CV1 5RR

4. **Consultation Response to the Ministry of Housing, Communities and Local Government on Proposed Reforms to the National Planning Policy Framework (Pages 3 - 22)**



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Scrutiny Co-ordination Committee
Cabinet Member for Housing and Communities

19 September 2024
20 September 2024

Consultation Response to the Ministry of Housing, Communities and Local Government on proposed reforms to the National Planning Policy Framework

Appendix Two – CCC Draft Response to Consultation

<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

Chapter One – Introduction (no consultation questions)

Chapter Two – Policy Objectives (no consultation questions)

Chapter Three – Planning for the new homes we need

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

Yes - Coventry City Council support the proposal to reverse the December 2023 changes made to Paragraph 61, this providing clarity upon the housing needs of each Local Authority – however CCC note that the standard method of calculation local housing need should remain responsive to population and demographic changes in future, ensuring that housebuilding targets are continually updated to be responsive to the needs of local communities.

- 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?

Yes - CCC welcome the clarity of requirement this introduces and agree that removal of opportunity to deviate further adds to this clarity, however the housing needs levels must be continually reviewed and remain aligned with the needs of local communities, should this not be the case, then the opportunity to present an updated context to the planning inspectorate should be retained.

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

Yes - CCC strongly support the removal of the 35% urban uplift from housing needs calculations which previously imposed an unevidenced and arbitrary uplift, misaligned to local needs and unresponsive the nature of settlements.

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

Yes - CCC strongly believe that uplifting density must be delivered in a compatible manner to the existing context, and that this is a key principle in positive placemaking and delivering good quality homes. The proposed shift in focus of design codes to areas of anticipated

change should also ensure that this key consideration is captured in these areas, however those areas which do not benefit from design codes in the shorter term must nevertheless be subject to similar tests of compatibility with context. CCC consider that para 129(a) ensures that consideration of incompatibility remains a test in this regard and therefore do not object to the removal of para 130.

- 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?

Yes - CCC Support the focus of development of Design Codes for the areas anticipated to undergo significant change, this approach should strengthen the application of the design code in the shorter term in being able to influence high quality design process and delivery.

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

Yes - CCC agree with the proposed revision to para 11, however suggest that in regard to policies upon the supply of land that becoming out of date – this should be modified to make clear this is in respect of being aligned to the development type being proposed (footnote 8)

- 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?

Yes - CCC agree with the proposed revision

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

Yes - CCC agree with the proposed revision

- 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?

Yes - CCC agree with this position in order that authorities should build resilience in seeking to meet housing needs, however, note that this must be based upon sound and evidenced housing needs for the local area, whilst noting that the ability to meet those needs and buffer will be informed by the administrative boundary and the availability of development land

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

Yes - CCC agree that 5% represents an appropriate buffer

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

Yes - CCC do not object to the removal of annual position statements

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

Yes - CCC support this proposed revision in the interests of delivery of sustainable development responding to the needs of cross boundary housing and economic market areas.

CCC stress however that planning powers should remain at a local level and not be devolved to in order that decision making is informed by the needs of local people and their elected members.

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

Yes - CCC support the tests of soundness being developed in order to be more responsive to strategic plans and/or proposals.

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

No - CCC have no further comments on proposals in this chapter

Chapter Four – A new standard method for assessing housing needs

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

Yes - CCC support the need for this proposed revision, with a stock-based approach seen to represent a more appropriate baseline than household projections, which have been seen to previously provide erroneous baselines.

- 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?

Yes - CCC agree that affordability is an important factor in the calculation of local housing needs and note the consultations proposals to increase from a 0.25% multiplier to 0.6% in recognition of this. Whilst this is seen as a significant uplift CCC do not object to the principle in strengthening the consideration of affordability within the standard method calculation and agree that utilising an averaged data set over a number of years should provide greater consistency of outputs. It is however unclear as to why three years has been chosen as the representative average.

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

Yes - CCC welcome the strengthening of affordability considerations within the method for calculation of housing need, it is however unclear as to how the 0.6% figure has been established.

- 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?

CCC consider that consideration of rental costs can further inform the affordability considerations within the standard method, as this data will be reflective of the wider economic context of residential needs in each authority area. Consideration could be given the establishing a link between average monthly rental costs and mortgage costs to establish an equivalency to further inform the affordability ratio within the Standard Method.

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

No – CCC have no further comment

Chapter Five – Brownfield, greybelt and the green belt

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

Yes - CCC support a brownfield first approach to development land and support for development in principle, but strongly stress that development should always be subject to all planning policy tests to be seen as acceptable. CCC raise no objection to this proposed revision, however raise a point of concern in regard to the use of the term 'passport' in that any such principle should not undermine the necessity for tests of alignment to all plan policies and fully consider a proposals impact.

- 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?

Yes - CCC are supportive of the established definition of greenbelt land and accept that there may be instances nationwide where land within these designations may not meet these tests. Some concern of the proposed revision wording is however raised in the omission of previous reference to meeting of and identified affordable housing need, where this policy direction has the opportunity to further promote this much needed form of development.

- 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?

No – CCC believes that the current definition of PDL remains fit for purpose

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

Yes - CCC do not object to the proposed definition of Grey Belt land, however very strongly suggest that only Local Authorities through the pan making process should be able to

identify these areas of land, this being established through Green Belt assessment or review evidence which is tested through examination.

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

Yes – as per response to question 23, CCC believe that Local Authorities should define Greybelt areas through Green Belt Review evidence in order to provide an up-to-date evidence base upon which and land being promoted as Greybelt may be assessed. With the establishment of this approach some protections would be introduced against any wilful degradation of land.

- 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?

CCC suggest that this should be contained within an updated PPG in order to guide the production of Green Belt reviews which fully assess if land is making a limited contribution to the purposes of greenbelt and may therefore be considered as Greybelt.

- 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?

CCC consider that the proposed guidance sets out appropriate considerations, however this should be supplemented by an updated PPG and incorporated into Green Belt Review evidence.

- 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?

CCC consider that where land in the greenbelt is identified as delivering a key role in Local Nature Recovery Strategies these should be excluded from any consideration of Grey belt land. CCC also consider that inclusion of the role of Greenbelt to the needs of nature could form additional / developed greenbelt criteria of assessment.

- 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?

CCC believe that the prioritisation of brownfield land first for development to be correct, alongside the ongoing review of greenbelt designations through the plan making process (inclusive of consideration if areas may be considered as Greybelt).

- 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?

Yes - CCC agree with this position, however believe that any release of greenbelt should only be established through the plan making and examination process.

- 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?

No - CCC believe that the definition and review of the Green Belt, inclusive of considerations of if there may be elements of land which may be considered as Grey Belt, should only be made through the plan making process and subject to examination. Through undergoing these tests, a clear evidence base is created which may further prioritise development to take place in the most sustainable locations and ensure other areas of development land have first been considered.

- 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?

CCC note that proposed revised para 152 includes that development in the greenbelt should not be considered inappropriate where a local planning authority cannot demonstrate a 5-year housing land supply, and this is also in reference to commercial development. CCC believe that this should be disaggregated in order that consideration of greenbelt release should be made only in reference to any shortfall of the development type being proposed. The current draft wording implies that land release for a use which may be sufficiently supplied elsewhere in the authority boundary may be considered which CCC do not consider appropriate.

- 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?

CCC believe that land release from green belt should be determined through the plan making process in order to ensure that all viable alternatives have been explored, and land release is determined alongside Local Authority greenbelt reviews / updates.

- 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?

CCC believe undertaking that of Greenbelt reviews should be undertaken through the plan making process and any release of land for any use be tested sequentially through examination.

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

Yes - CCC welcome the elevated requirement for affordable housing delivery and agree this could weigh in favour of greenbelt development, however the 50% requirement is expected to introduce significant viability issues.

- 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?

No - In reference to the proposed para 66 revision in regard to LPA's setting AH levels, CCC suggest that this local consideration should be extended in this regard, however the setting of a % uplift level of contribution over the established local policy could then be established in order to provide any additional justification for Greenbelt release. CCC note that where there are viability issues where affordable housing targets are unable to be met, there is already a mechanism for reducing the amount through a viability assessment. The setting of localised higher initial standards could be positive in establishing viable delivery, with the amount of affordable housing then being maximised based on the specific economic circumstances of individual sites.

- 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?

Yes - CCC wholly endorse this principle of access and embedding benefit for nature within all considerations of Greenbelt release

- 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?

Yes - CCC endorses this approach, in order to deliver additional clarity into viability considerations

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

CCC note that the setting of BLV's to the lower end of the available spectrum may assist in viability assessments in order that contributions may be achieved and affordable housing thresholds delivery. CCC are supportive of these initiatives in the interests of the delivery of affordable housing.

- 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?

Yes - CCC support this approach in order to embed the 'golden rules' of such development

- 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?

No - CCC do not support this position, observing that locally defined affordable housing policy requirements will be led by viability considerations. With this approach in place a requirement to deliver additional affordable housing to strengthen public benefit upon greenbelt release sites should able to be sought.

- 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?

Yes - CCC agree with this approach where agreement has been reached for development which does not meet policy requirements, enabling viability assessments to be more reactive to evolving market circumstance. However, to further assess viability submissions, additional officer resource would be necessary in order to ensure that no delays are introduced to build programmes.

- 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?

CCC believe that 'golden rules' should apply to all forms of development being considered within greenbelt, and positive public benefit should always be established within any consideration of such development proposals.

- 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?

CCC consider that any consideration of green belt release should be undertaken through the plan making process, applicable to plans yet to be examined.

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

Yes - CCC consider that viability should always be undertaken within Greenbelt release proposals, in order to ensure the public benefit of proposals may be maximised where greenbelt release may be considered.

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

No – CCC make no further comment on approach set out in para 31 and 32 of the consultation.

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

No – CCC make no further comment to proposals in this chapter.

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

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

Yes – CCC strongly support additional considerations for those who require Social Rent provisions. Social Rented housing is the most important tenure to provide affordable, suitable, secure housing for people who are excluded from the market due to affordability. Affordable Rent is often not genuinely affordable at 80% of market rents, especially for larger family homes (4+ bedrooms), where the gap between the social rent level and the affordable rent level is higher than for smaller properties, and larger families are more likely to be affected by the benefit cap if they require benefits assistance to pay their rent. The households who approach the council for homelessness assistance, or to join the Homefinder register (the social housing allocations system for Coventry), are in the most acute housing need but the majority do not have the financial resources to access affordable home ownership. It is important to specifically highlight the need for social rented housing in needs assessments and setting policies on affordable housing requirements, to meet the needs of those most excluded from the market and in the most acute housing need.

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

Yes – CCC believe that it is critical to ensure first time buyers can own their own homes (with the inevitable effect of them freeing up rental properties for others in need) it is better to have these policies considered at local level where the nature of demand is best understood. Affordable home ownership is an important element of meeting housing needs and diversifying the tenure profile, creating mixed and balanced communities, Local Authorities should be able to set their own requirements based on local needs assessments as well as local knowledge, local market conditions, existing tenure types in local areas etc.

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

Yes – CCC support LPAs setting their tenure and split based on local circumstances. Coventry participated in successful pilots of the First Homes scheme on some specific sites, but there has been minimal interest from developers in including First Homes on sites since the pilots. A requirement of 25% First Homes reduces the amount of other affordable home ownership options such as shared ownership, which are more popular and more likely to meet the needs of people who cannot afford to purchase on the open market. It is useful to retain First Homes as an option for affordable home ownership, but we would welcome the removal of the 25% minimum requirement.

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

CCC believe in delivery of the right housing in the right locations for those who need it. An overall requirement of affordable housing with the LPAs agreeing the split should address local need. If the option to retain First Homes as an option for delivering affordable home ownership, Local Authorities should also retain the option to introduce their own local criteria relating to income levels, maximum property prices etc.

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

Yes – CCC strongly believe in the development of positive communities which encourage a mix of tenure types. We agree that mixed tenure development can provide mixed and balanced communities, with a range of housing tenure options for people and housing designed for specific groups. We would welcome a policy which expects local planning authorities to take a positive approach to them.

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

CCC note that may appear to contradict with the policy to promote a mix of tenures. Where developments come forward as 100% affordable, they tend to be a mix of tenures with social rent and shared ownership. Splits of tenure types should be informed by the needs of the local people and evidenced through plan making in setting of local policy. We would welcome flexibility in using Homes England grant funding to include S106.

- 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?

CCC believe that if the development is well designed and planned with a mix of property tenures and types then there should not be a need to restrict development size in this regard. It is however critical to ensure that development types can meet the needs of all types of households and demographics, including young people, families and the needs of the elderly. CCC believe that the tenure types and housing types of the surrounding neighbourhood should be considered, and we would suggest that any guidelines around promoting developments with a high percentage of social/affordable housing should include:

- 1) *Take consideration of the tenure make-up of the surrounding area – for example, in neighbourhoods that are already a very high percentage social rented housing, it may be more appropriate to introduce mixed tenure with affordable home ownership options as well as rented options. In areas where there is very little existing affordable housing, a higher percentage could be social rent to diversify the tenure profile of the overall neighbourhood.*
- 2) *Fully consider integration with the surrounding area – transport links (including walking/cycling), access to services and facilities, careful design on the edge of the development etc, to integrate with the surrounding neighbourhood and prevent an isolated ‘island’ of social housing.*
- 3) *Consider the mix of property types and sizes – a large number of the same property type or size is often unsustainable in management terms.*

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

CCC believe that affordable housing should be delivered across authority areas to allow housing choice for all. Positive policy to promote a spread of provision across authority areas would be welcomed.

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

Yes – This is in practice already established by decision makers, but the reinforcement is welcome.

- Question 56: Do you agree with these changes?

Yes -CCC believe that the changes further support community-led housing.

- 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?

CCC believe the current definition is correct. The implications of landlords not being registered providers could result in poorly managed housing or instances where accounts aren’t filed and land returning to the Crown. CCC have had experience of these scenarios and believe that the current definition is fit for purpose. We would however welcome the inclusion of community-led developers and almshouses, but any changes must be carefully worded to avoid allowing private developers/private landlords to operate ‘affordable housing for rent’ with no oversight from an organisation such as the Regulator of Social Housing, ensuring that the homes are well managed and available as affordable housing in perpetuity.

- 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?

CCC suggest that larger sites are often identified for allocation in seeking to best demonstrate resilience in housing supply for future plan periods. Whilst not un-accepting of the role smaller sites may play in supply, the necessity to undertake sustainability analysis of allocation sites would make the allocation of numerous smaller sites significantly onerous in plan making and increase risk of the slowing of plan making. CCC however also believe that the non-allocation of smaller sites is not hampering development of such sites, these sites will normally be contained within the HELAA and the largest barrier to their development will be viability, where economies of scale weigh against such sites alongside brownfield sites often requiring ground remediation

- 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?

Yes – CCC believe that the reference to beauty and beautiful should not have been previously introduced as it is extremely subjective and therefore both difficult for both applicants to demonstrate and local authorities to robustly assess. In addition to the design of places and the external appearance of buildings, the Government should also consider making the NDSS mandatory for all residential development inclusive of affordable housing.

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

Yes – Upward extensions should not be restricted to mansard roof forms, however the design of upward extensions must always be delivered in a contextually compatible manner.

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

Further guidance upon viability and vacant buildings credits would be welcome. A large number of applications come forward with viability assessments to demonstrate they cannot provide any affordable housing or other infrastructure. Further to this non-viable status being established, the developer may then receive grants for affordable housing which is less than the 25% required by LPA policy. Where this occurs, the LPA have no say in the tenure and split and also lose out on other much needed contributions.

Chapter Seven – Building infrastructure to grow the economy

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

Yes – CCC believe that it is critical to reinforce the support of strategic sites of regional and national importance.

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

Yes – CCC believe that the renewable energy generation sector should continue to be a point of focus in planning reform.

- 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?

No – CCC consider that these should be considered at local level and with the associated planning income supporting the respective LPA/s. The decision-making process requires these decisions in 16 weeks which is likely to be shorter than those being considered by PINSs. Furthermore, this approach ensures the right of appeal exists for any refusals. Consideration could instead be given to the need to refer Nationally important sites to the Secretary of State to see if they wish to intervene in the decision-making process rather than changing the decision-making process.

- 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?

CCC note that regionally significant schemes were covered by the Regional Spatial Strategies, and previously worked well. LPAs would still have to carry out a large proportion of the work including neighbour consults, complaints, queries, etc, however

would also not benefit from the application fees to support the resource for these roles. See also the response to 64 above.

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

CCC suggest that if it is intended to move these into the NSIP consenting regime then there needs to be adequate cost recovery for the LPAs as set out in section 11. Consideration may instead be given of the need to refer Nationally important sites to the Secretary of State to see if they wish to intervene in the decision-making process, rather than changing the decision-making process itself.

Chapter Eight – Delivering community needs

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

Yes – CCC believe this to be a positive revision proposal.

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

Yes – CCC believe this to be a positive revision proposal.

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

Yes – CCC believe this to be a positive revision proposal.

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

CCC consider this to be a critical issue where both national and local planning policy should continue to seek methods in the delivery of healthy communities. National planning policy could further promote open space and access to nature priorities, alongside local food generation and promotion of sustainable travel. Additionally, the role of Health Impact Assessments in decision making is critical to ensure this consideration is fully understood and embedded within the formulation of development proposals. Local authorities could also be required to include local policy in respect of hot food takeaways and develop policy to enable refusal of such uses in a locally defined radius of schools.

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

No – CCC make no further comment regarding this chapter

Chapter Nine – Supporting green energy and the environment

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

Yes – CCC Support this proposed revision

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

Yes – CCC strongly support this proposed revision

- 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?

Yes – CCC support additional protections for wildlife habitats and compensatory measures where habitats are impacted.

- 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?

Yes – CCC consider this to be a reasonable threshold to deem national significance.

- 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?

Yes – CCC consider this to be a reasonable threshold to deem national significance.

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

CCC consider that these thresholds are appropriate, on the understanding that there are also policies to secure the delivery of smaller sites and possibly their allocation as part of the plan making process.

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

CCC consider that planning policy has a positive role to play in the promotion of sustainable development of all types. However, planning policy and plan making will always be heavily influenced by considerations of viability, with this being the case CCC consider that the building regulations system should be the primary avenue for change in energy standards and climate change mitigation across the country. This approach ensures that the most impactful change can be made, and the delivery of increased standards are not and should not be informed by the varying economic context of different regions.

- 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?

CCC believe that significant new resource requirements may be necessary in order to evaluate carbon accounting into decision making and understand that a number of tools are becoming available in order to better assess carbon accountancy. However, this resource requirement is currently predicated upon the ability for Local Authorities to seek higher standards which are demonstrably viable. CCC believe that the primary driver to increasing build standards remains the building regulations system to ensure the most equitable and impactful change is achieved.

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

CCC consider that revision to the PPG should be undertaken to further consistency in flood resilience measures and Local Authorities remain required to maintain up to date Strategic Flood Risk Assessments.

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

CCC consider that viability remains the significant hurdle to achieving higher energy efficiency standards in new development, and in the absence of building regulations revision this will remain the case. CCC consider that the NPPF must give priority to addressing climate change and reform viability processes to ensure that sustainable development policies are not weakened.

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

No – CCC consider that the footnote currently included provides additional strength to the consideration of agricultural land impact of development proposals

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

CCC consider that a greater positive emphasis upon on-site food generation within development proposals could be considered and given positive weight in considering development proposals

- 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?

CCC consider that the inclusion of points a,b and c of para 26 of the consultation are reasonable inclusions within the Nationally Significant Infrastructure Planning definition.

- 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?

No - CCC do not make any further comment other than the response to question 84

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

No - CCC do not make any further comment other than the response to question 84

Chapter Ten – Changes to local plan intervention criteria

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

No – CCC consider that the existing legals test forms a reasonable basis for the consideration of interventions in plan making.

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

CCC consider that the existing legals test forms a reasonable basis for the consideration of interventions in plan making.

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

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

Yes – CCC consider that this is reflective of the resource requirements of processing such applications.

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

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

See response to Question 89.

- 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 – CCC consider that the proposed fee better reflects the resource requirements of processing such applications.

- 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.

Yes – CCC consider that applications for change of use should be reviewed. This being due to if a residential use, then this is based on the number of additional dwellings being created, however, the same does not apply when you are changing the use of commercial and other non-residential land as it is one fee regardless of the scale of development and the resulting resource requirement.

Additionally, some applications for prior approval can be complex. For example, prior notification for change of use to a free school where the fee is disproportionate given the amount of work involved.

The fees for planning conditions are based on a fee per submission, regardless of the number of conditions being considered. For example, discharge of one planning condition is the same price as discharge of 10 conditions. Also, bearing in mind these are considering details of technical matters they should be higher than £140 to reflect the officer and consultee time involved. It is not uncommon for poor submissions of multiple conditions to be made to deliberately frustrate the enforcement process. Also, applicants often submit the minimum to then be advised upon what details are needed.

There has previously been a suggestion that retrospective applications were going to be double the application fee, however it does not appear this has been progressed which CCC believe should be reviewed.

- 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.

CCC believe that the introduction of a fee for Listed Building Consent is reasonable and proportionate.

- 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.

No. CCC believe that a uniform fee is a positive leveller for development across the country. LPAs are also likely to be challenged on fees and inconsistencies by developers.

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

Neither – See response to question 94.

Please give your reasons in the text box below.

As per response to question 94 - The fact that there is a uniform fee is a positive leveller. LPAs are also likely to be challenged on fees and inconsistencies by developers.

- Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services? If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

Yes. CCC believe that this would assist with improving our service delivery if ring fenced for the service area and help compete with staff retention.

- 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?

Yes – CCC consider this would be a positive step in the support of Local Authorities to deliver services.

- 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.

CCC consider that if projects such as gigafactories, data centres, freight, energy projects, etc are incorporated into NSIP then LPAs will lose a considerable income, however the LPAs will still have to do a considerable amount of work dealing with enquiries, notifications, etc.

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

CCC consider that there should be a proportion of the application fee to cover costs incurred. For example, 50% of the application fee.

- 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.

CCC currently unable to provide substantive comment, given no development consents to reference.

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

CCC would welcome the additional consideration of fees to support Planning Enforcement. For example, the doubling of the fee for retrospective applications following the introduction of the enforcement warning notices, the latter was introduced, but the fee wasn't adjusted to support this. Also, the statutory notices of commencement of development, LPA's could then check if conditions are discharged and generate income from the submissions.

Chapter Twelve – The future of planning policy and plan making

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

Yes – CCC broadly agree with the outline transitional arrangements in plan making, however consider that the one month cut of post NPPF consultation is currently difficult to plan for with no set date of publication or clarity upon content. In this context a 3-month period would enable greater ability for local authorities in the later stages of the plan making process to maintain progress to submission for examination.

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

No – CCC consider (as per question 103 response) that the one-month transition post NPPF consultation is too restrictive and introduces difficulty to those authorities in late stages of plan making – thus introducing the risk of delay into the adoption of new / reviewed Local Plans.

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

No – CCC have no further comment

- 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?

No - CCC have no further comment

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