

Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Ministry of Housing, Communities and Local Government

Chapter 3 – Planning for the homes we need

Advisory starting point and alternative approaches

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

- Yes
- No

Please explain your answer

Yes. The relegation of standard method figures to an “advisory starting point” was a retrograde step, which predictably prompted dozens of local planning authorities to pause work on their local plans or reduce their housing delivery targets. Returning standard method figures once again to an “end-point” (that can only deviated from in a limited set of pre-defined circumstances) is essential if Labour is to supply the volume of new housing – especially affordable housing - it has targeted over the duration of this parliament.

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
- No

Please explain your answer

Yes. Although standard method figures will be mandatory, they will not be binding. Local planning authorities will retain the ability to adopt a lower target should they face hard constraints on delivery such as the presence of National Parks, protected habitats or flood risk areas within their boundaries. Given these provisions, we see no justification for permitting the use of alternative approaches to housing need, which only serve to complicate the national picture.

As much as possible the emphasis should be on working to the housing need figure generated by the standard method. The (near) universal adoption of the standard method

for assessing housing need will help to shift debates away from alternative methodologies and towards the business of identifying suitable sites for housing.

Urban uplift

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

- Yes
- No

Please explain your answer

Yes. Although, well-intentioned, the urban uplift resulted in unrealistic targets, most of all for London, which was asked to accommodate almost a third of annual housing delivery nationally. As the consultation points out, the design of the urban uplift was also far from optimal. It artificially concentrated development within certain parts of urban areas. And introduced an arbitrary cut off point given it applied only to the 20 largest town and cities.

The revised approach rightly concentrates new housing into existing urban areas. But – being based on existing stock totals – does so in a more proportionate way, which avoids some of the unintended consequences of the urban uplift.

Character and density

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

- Yes
- No

Please explain your answer

Yes. When these provisions were first proposed in December 2023, we expressed serious reservations they could stifle future housing supply. We argued the ability to consider excessive density as an adverse impact may be interpreted more broadly to prevent development of ANY housing deemed to be out-of-character with the existing area.

We agree new housing needs to complement existing architectural styles and achieve human scale and density. But an increase in density is also vital if Government is to achieve its ambition of encouraging sustainable patterns of development and concentrating new housing into brownfield sites and urban centres. Rowing back on the December 2023 change is, therefore, a vital step towards the Government's policy ambitions.

Southern Housing consultation response

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
- No

Please explain your answer

Yes, we support the proposed focus for design codes. The aim should be to deliver new high-quality development to meet local need, rather than introduce prescriptive policies that slow down the delivery of new development and stifle innovative design.

Strengthening and reforming the presumption in favour of sustainable development ('the presumption')

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

- Yes
- No

Please explain your answer

Yes. Greater clarity over the application of the presumption in favour of sustainable development is vital in tipping the balance towards new housing delivery. We especially welcome the addition of a specific reference to considering policies relating to the delivery of affordable housing when applying the presumption. Given the chronic shortage of affordable housing, it's vital schemes granted planning permission via this route deliver policy-compliant levels of affordable housing as a minimum.

Restoring the 5-Year Housing Land Supply (5YHLS)

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
- No

Please explain your answer

The requirement to continually demonstrate a deliverable five-year housing land supply is an important tool in ensuring local planning authorities are proactive in securing a pipeline of future development sites. Restricting the requirement only to LPAs without an up-to-date local plan jeopardises the long-term delivery of housing – including much-needed affordable housing – if sites are not identified well in advance.

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To maximise the effectiveness of the policy for securing affordable housing, we recommend LPAs are required to demonstrate not only a 5YHLS in aggregate, but also an adequate affordable component.

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

- Yes
- No

Please explain your answer

Where LPAs have succeeded in granting 'excess' permissions, the onus should be on building upon this success rather than downscaling ambition for the following plan. Many permissions go unbuilt meaning there's no guarantee excess permissions actually translate into above-targeted housebuilding.

Restoring the 5% buffer

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
- No

Please explain your answer

The five percent buffer provides useful extra leeway, ensuring local plans are robust and capable of withstanding market changes.

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

- Yes (5% is an appropriate buffer)
- No (It should be a different figure)

Please explain your answer if you believe a different % buffer should be used

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

- Yes
- No

Please explain your answer

Yes. As the consultation points out, annual position statements are rarely used, and the burden of evidence is comparable to that associated with the conventional option of demonstrating a five-year land supply.

Maintaining effective co-operation and the move to strategic planning

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
- No

Please explain your answer

Yes. As the Secretary of State has recently acknowledged, housing need in England cannot be met without planning for growth on a larger than local scale. Yet incentives to collaborate across local authority boundaries have been significantly eroded by the scrapping of Regional Spatial Strategies in 2010 and the recent revocation of the Duty to Cooperate. We, therefore, welcome Government's proposed measures to foster cross-boundary cooperation and strategic-level planning.

Achieving universal coverage of strategic planning within this Parliament is particularly important. Spatial Development Strategies will be especially beneficial in regions such as the South East (which has the second highest housing delivery figure under the revised standard method), which lack a Mayoral or combined authority to provide coordination and oversight.

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

- Yes
- No

Please explain your answer

We don't believe the tests of soundness should be amended in relation to strategic policies. The tests are necessary to ensure the development of consistent and robust plans capable of delivering the development an area needs.

A key issue here is the removal of strategic level planning. The previous system of county level structure plans and regional spatial strategies ensured the focus was on strategic planning only. This meant the timescales for delivery were proportionate to the issues being considered.

LPAs outside London and some of the other larger conurbations, are now trying to plan at both a strategic and local level without the necessary expertise or resources. In addition,

where regional level/strategic plans are in place, such as in London, it can create a complex policy framework, which slows down the delivery of new development at all levels. Consideration should therefore be given to either:

- Providing clear guidance on the focus and intent of regional plans and strategic policies – the aim being to simplify the policy background and ensure certainty of delivery
- Providing LPAs with more funding/resources for preparing strategic level policies
- Providing LPAs with funding/resources to set up cross-authority groups focusing on strategic level planning – this can help authorities share expertise, resources, etc and potentially lead to the preparation of a cross-boundary strategic level plan
- Reintroducing the strategic planning function of County Councils – this would make it possible to prepare strategic plans and would draw on the resources and large levels of data held by County Councils.

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

No.

Chapter 4 – A new Standard Method for assessing housing needs

Setting a new headline target

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
- No

Please explain your answer

Yes. A stock-based baseline has two key advantages over one based on household projections. Firstly, stock figures are more stable than household projections and therefore more inherently suited to modelling purposes. And secondly, a stock-based baseline avoids the circularity associated with population-based figures, whereby low rates of housebuilding lead to low levels of household growth, which is then baked into housing need calculations. This is especially problematic in areas of high house prices where overcrowding and concealed households suppress the rate of household formation.

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?

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- Yes
- No

Please explain your answer

Yes.

There are pros and cons to both the workplace- and residence-based ratio. But, on balance, we feel the workplace ratio is more appropriate as the implicit assumption is people wish to live close to their place of work. This remains an important productivity consideration even considering the growth in hybrid working following the pandemic.

Using the median ratio is sensible as this eliminates the impact of extreme values in both house prices and wages.

And taking the three-year average is prudent as house prices (and to some degree wages) can be subject to short-term fluctuations (for instance, due to sudden changes in the economic environment impacting on demand).

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

- Yes
- No

Please explain your answer

Yes, affordability is given an appropriate weighting within the proposed standard method. The affordability multiplier should be reviewed regularly and increased if housing is not sufficiently directed towards the least affordable areas.

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?

- Yes
- No

Please explain your answer

Areas of high house prices are likely to correlate with those of high rental prices. Therefore, including the latter may increase the complexity of the standard method for very little practical gain.

Result of the revised standard method

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

No.

Chapter 5 – Brownfield, grey belt and the Green Belt

Being clear that brownfield development is acceptable in principle

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
- No

Please explain your answer

We support the amendments in principle.

However, we are conscious brownfield passports will need to be carefully designed – and sufficiently robust – if they are to achieve Government’s preference for brownfield-first development.

Brownfield sites are often constrained by issues such as contamination, adjoining buildings/land uses and local policies aiming to retain existing uses. While all of these can be resolved, doing so can delay the delivery of schemes on brownfield sites - for example through the need for report preparation, marketing and increased scrutiny by Local Planning Authority (LPA) officers.

Therefore, brownfield passports must be sufficiently robust to enable LPAs to take a more flexible approach when considering new schemes. For example, passports should have sufficient weight to override the need to protect certain types of land use where a site is vacant, and avoid the need of lengthy marketing exercises.

Making it easier to develop Previously Developed Land

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
- No

Please explain your answer

Yes, we agree with the proposed amendments. The current wording imposes a de facto moratorium on Green Belt allocations, no matter how sustainable a site is, whether it has previously been developed or how insignificant it might be in meeting Green Belt objectives. A more nuanced approach emphasising the appraisal of each site on its individual merits should be encouraged instead.

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?

Please provide any further views

We support the expanded definition in principle as it has the potential to unlock additional Green Belt sites for development. Notwithstanding our answer to question 20 above, if the intention is to protect horticultural land, a standard approach to demonstrating a lack of demand is likely to be necessary. For example, there could be a requirement for glasshouses to be vacant for a set period and/or for marketing to take place for a set period (e.g. 12 months). Subject to meeting these criteria, the redevelopment of the site would then be considered acceptable in principle.

Defining the grey belt

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

- Yes
- **No**

Please explain your answer

While we support the broad definition, we think it would be helpful to explicitly reference connectivity and sustainability.

There are likely to be non-grey belt sites on the edge of settlements which are well related to existing transport infrastructure and other services and therefore well-placed to deliver more sustainable patterns of development. For example, a site in the Green Belt could adjoin a train station, but not be surrounded by built form, perhaps because it is separated by the railway line or other features. This type of site is likely to be well-placed to deliver sustainable development without resulting in adverse impacts on the Green Belt.

Similarly, there are likely to be sites meeting the definition of grey belt that are not in particularly sustainable locations - for example, sites on the edge of suburban areas. While these may be well related to the built form, they are less likely to be near to shopping centres, services or other infrastructure.

Therefore, we recommend government considers adding an additional criterion referencing sites that are well related to existing centres, services and public transport.

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

- Yes
- No

Please explain your answer

The criteria centre on existing built form being either within or close to the application site. While it would be possible to degrade a site through, for example, neglect or lack of vegetation clearance, the very nature of the Green Belt means it is likely to be difficult to “degrade” a parcel of land to the point that it complies with the grey belt criteria. Further guidance on how to interpret the criteria would be beneficial and ensure consistency. This would avoid unnecessary debates at the application stage between developers and LPAs, who may choose to adopt their own guidance.

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?

- Yes and it should be contained within the NPPF
- **Yes and it should be contained within PPG**
- No

Please explain your answer

Please see our response to Question 24.

National guidance covering the contribution land makes towards Green Belt purposes would be beneficial. A standard approach at the national level would offer clear guidance for LPAs and developers and avoid unnecessary discussions at the application stage.

We believe it would be better to provide the guidance in the planning practice guidance rather than the NPPF. This would ensure the broad aims are captured in the NPPF without turning it into a long and complex set of guidance.

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?

- Yes
- No

Please explain your answer

While we support the broad aims of the guidance, some further clarification would be helpful. Terms such as...

- b)i. – “substantial built development”,
- b)ii. – “very little contribution”, and
- b)iv. – “contributes little to preserving”

...are open to interpretation and should be supported by additional guidance. For example, substantial built development could be defined as a site where over 50% of the site area is occupied by built form and/or hardstanding.

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?

- Yes
- No

Please explain your answer

These strategies could be a useful tool in distinguishing between good quality Green Belt and grey belt/areas of lower environmental quality. The presence of a Local Nature Recovery Strategy would offer a clear indication that land isn't suitable for development. Equally, the absence of such a strategy may be a good tool for identifying areas suitable for development in the Green Belt e.g. land of low biodiversity value on the edge of a settlement.

Land release through plan-making

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?

- Yes
- No

Please explain your answer

Yes, we support the sequential approach. This selective, evidence- and needs-based approach to Green Belt development is exactly what we have been calling for several years. Please see also our answer to Question 23.

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
- No

Please explain your answer

While we agree with the proposal, the changes to paragraph 147 of the NPPF could be made more robust. This could be achieved either by reiterating that Green Belt release shouldn't undermine the function of the Green Belt, or by cross-referencing to new paragraph 152.

Allowing Development on the Green Belt through Decision Making

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?

- Yes
- No

If not, what changes would you recommend?

Yes, we support the suggested approach. This should help deliver new development in appropriate Green Belt locations.

Supporting release of Green Belt land for commercial and other development???

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?

- Yes
- No

Please explain your answer

Planning Policy for Traveller Sites???

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?

- Yes
- No

Please explain your answer

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?

- Yes
- No

Please explain your answer

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Golden rules to ensure public benefit

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

- Yes
- **No**

Please explain your answer

While we're broadly supportive of this approach, it could have unintended consequences.

The 50% threshold may deter some registered providers (RPs) from acquiring sites with extant planning permission and delivering them as 100% affordable housing. That's because a high affordability threshold means RPs benefit less from the delivery of "additionality" (the proportion of affordable homes delivered above the threshold secured in a s106 agreement). Depending on local restrictions, certain types of affordable housing secured in s106 agreements may not benefit from grant.

Government should consider either lowering the percentage or stating the affordable percentage should meet or exceed the local threshold for the area.

In addition, the wording "with an appropriate proportion being social rent" is ambiguous. We feel it would be better to:

1. compel developers to achieve the tenure mix set by the local policy relevant for the area
2. allow greater flexibility where a scheme is being delivered by a registered provider (since RPs may be able to provide more homes for low-cost rent).

This would then strike a balance between certainty and maximising the delivery of affordable housing.

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?

- The 50% target should apply to all Green Belt areas (including previously developed land in the Green Belt)
- **The Government or local planning authorities should be able to set lower targets in low land value areas**

Please explain your answer

LPA's should be able to set lower targets in low value areas. This strikes a balance between the delivery of market and affordable housing. Setting a high threshold may discourage some developments from coming forward. It may also be beneficial to set different thresholds for green and brownfield sites in the Green Belt.

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
- No

Please explain your answer

We support the approach in principle. Improvements will help create good quality places for people to live, while reversing the decline of the natural environment.

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
- No

Please explain your answer

We support the approach in principle. It will help standardise the process, introduce transparency and potentially prevent inflated land values from reducing the delivery of affordable housing and other infrastructure. This is likely to be a better approach than option b), which could result in a two-tier approach to selling land within and outside the Green Belt.

A transactional value above the benchmark value doesn't necessarily mean a scheme will be viable. While we favour the benchmark land value approach, it could potentially be inflexible and cause market distortion. Therefore, it will be necessary to introduce very clear guidance to ensure the approach achieves its aims.

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

Please explain your answer

We note that Paragraph 30 of the consultation highlights a range of potential benchmark land values (BLVs) of between three to 40 times existing use value, and states Government is particularly interested in the impact of setting BLVs at the lower end of this spectrum. We believe this would be unwise given Government's housebuilding ambitions for the current parliament.

Any benchmark land value needs to be set at a level which incentivises land to come forward for development at a rapid rate, but also enables the delivery of the golden rules,

noting that to date, the market has dictated land values at a level which has historically been lucrative for landowners.

Therefore, we suggest benchmark land values are:

- Based on local knowledge and detailed data collection rather than blanket values
- Subject to regular updates and review

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
- **No**

Please explain your answer

A transactional value above the benchmark value doesn't necessarily mean a scheme will be viable. Please see our response to Question 37. The benchmarks will need to be accurately set and regularly reviewed.

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?

Please explain your views on this approach

We agree with this approach in principle. Where a scheme is policy compliant, it should be approved without delay to speed up the planning process and delivery of new housing.

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**
- No

Please explain your answer, including what support you consider local authorities would require to use late-stage viability reviews effectively

This approach provides a reliable basis for testing viability as market conditions change. It may encourage developers to follow the fast-track route to avoid a viability review, speeding up the planning process and the delivery of all types of new housing.

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However, we have concerns some councils lack the resources to undertake these assessments and use their findings consistently and fairly. For this approach to work well, councils will require additional funding to either train existing staff or to cover the costs of appointing external consultants to undertake viability negotiations/reviews.

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?

- Yes
- No

Please explain your answer

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?

- Yes
- No

Please explain your answer

The most straightforward approach is for the new policy to apply to new land release only. The transitional arrangements set out at Annex 1 of the draft NPPF adequately cover local plans.

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

- Yes
- No

Please explain your answer

Please see responses to questions 37-44.

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

- Yes
- No

Please explain your answer

Southern Housing consultation response



As mentioned in our response to question 37, where a transactional value is at or above the benchmark value, it doesn't necessarily mean a scheme will be viable. If this approach is to work, it will be necessary to provide very clear guidance on what constitutes "delivering public good" and how the "fair" value for landowners is calculated.

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

- Yes
- No

Please explain your answer

As stated in previous responses, clear guidance is required to ensure the intended approaches are as successful.

Chapter 6 – Delivering affordable, well-designed homes and places

Delivering affordable housing

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
- No

Please explain your answer

We support this in principle as it should provide clear guidance and remove uncertainty when assessing planning applications. As an example of how this might work, Southwark Council have adopted an affordable housing policy based on evidence of need and which prioritises social rent above other tenures. This approach works well and ensures developers have clear guidance on the mix that should be delivered. Notwithstanding the above, where schemes are being delivered as 100% affordable housing, Registered Providers should still have flexibility regarding the tenure split to help address other financial pressures associated with delivering new schemes.

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

- Yes
- No

Please explain your answer

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Yes, we support this proposed amendment. Depending on the size of the scheme, it can be difficult to deliver a mix that includes the 10% requirement while creating balanced communities.

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

- Yes
- No

Please explain your answer

Yes, we support this amendment. Since they are secured through developer contributions, First Homes reduce the provision of the most affordable rented tenures as well as shared ownership, which provides a much more affordable route to homeownership. The provision of First Homes also has negative implications for grant funding – First Homes themselves do not attract grant funding and, on mixed tenure schemes, their presence can impact on grant funding for other tenures.

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

- Yes
- No

Please provide further comments

We see no problem in retaining the *option* to deliver First Homes. The issue with the tenure has always principally been the delivery method, which cannibalises the supply of homes for low-cost rent and shared ownership.

Promoting mixed tenure development

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

- Yes
- No

Please explain your answer

In addition to the reasons outlined in the consultation, providing a mix of tenures can also be beneficial from a viability perspective for housing associations as homes for open market sale can help to cross-subsidise affordable tenures.

Supporting majority affordable housing developments

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

Please explain your answer

Housing associations routinely deliver schemes with a high percentage of homes for social and Affordable Rent. Therefore, extra support for the following would ensure housing developments with a high proportion of these tenures come forward:

- Increased overall funding and grant rates through the Affordable Homes Programme to facilitate the delivery of homes for social rent
- The extension of the Building Safety Fund to rented tenures – to free up housing associations' financial capacity to supply new affordable housing
- Releasing the remaining Social Housing Decarbonisation Fund in full – again to free up housing associations' financial capacity to supply new affordable housing.

Besides targeted support for housing associations, the following would also encourage the provision of developments featuring a high proportion of low-cost rented homes.

- Setting tenure-specific targets through the standard method
- Fast track approval processes for schemes delivering above policy-compliant levels of affordable housing
- Stipulating that a set percentage of homes for social rent is delivered in major developments – perhaps 10% to mirror the previous expectation for affordable homeownership
- Ensuring LPAs have properly assessed and catered for the size, type and tenure of housing required in their communities (as proposed through question 47)
- Introducing some flexibilities in design and construction standards - The planning balance should be more prevalent when assessing design-related matters. For example, on schemes in urban areas, it may be more appropriate to provide high quality communal amenity space in lieu of private communal space.

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?

Please explain your answer

Decisions will need to be made on a site-by-site basis factoring in the requirements of all stakeholders. For example, site size, infrastructure, design quality and social integration.

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

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Please explain your answer

A similar set of measures to those outlined in our response to question 52. In particular, policy flexibility, financial incentives, community involvement and strategic infrastructure projects which support new housing in rural locations.

Strengthening the affordable housing requirement for schemes developed on rural exception sites would also help ensure a higher proportion of new homes are of affordable tenures.

Meeting the needs of looked after children

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

- Yes
- No

Please explain your answer

We support this in principle. Including explicit reference to looked after children in paragraph 63 will help ensure housing need targets are robust, evidence-based and help to address the social care crisis.

Delivering a diverse range of homes and high-quality places

Question 56: Do you agree with these changes?

- Yes
- No

Please explain your answer

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?

- Yes
- No

If Yes, what changes would you recommend?

While we're not against the principle of an amended definition, there's a risk it could be made overcomplicated by trying to capture provision by non-Registered Providers.

A better approach may be to have a separate definition such as "Community-led housing". This could then capture other types of low-cost housing being delivered at affordable rent levels. However, the definition would need to ensure schemes are genuinely community-

led (in particular, specifying the type of organisations that can deliver this type of scheme), to avoid private landlords trying to use the definition to justify the provision of large-scale House in Multiple Occupation (HMO)-type schemes.

Alternatively, the current definition of ‘affordable housing for rent’ already offers a precedent for non-RP landlords – for homes included as part of Build to Rent schemes “the landlord need not be a registered provider”. A similar proviso could be offered for community-led developers and almshouses.

Making the small site allocation mandatory

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?

- Yes
- No

Please explain your answer

There are several ways in which the small sites policy in the NPPF could be strengthened:

- We also support calls led by Pocket Living to explicitly lend further support to the presumption in favour of sustainable development for small and medium sized sites. To achieve this, a further point (f) could be added to the existing NPPF Para 70 (formerly 69) as follows:

f) Where threshold levels of affordable housing of any tenure and mix is proposed, planning permission should be granted, without the requirement to undertake a viability assessment unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii) the adverse impact of doing so would significantly and demonstrably outweigh the benefits

- The presumption in favour of development could be retained for small and medium size sites in urban areas e.g., regardless of 5YHLS positions.
- The level of s106 contributions could be reduced for small and medium size sites
- Point b) of the current paragraph 70 (new para 71) encourages LPAs to use tools to bring small and medium size sites forward. This could be made a mandatory requirement with a percentage target
- Current paragraph 71 (new para 72) encourages Neighbourhood planning groups to consider allocating small and medium sized sites. This could also be made a mandatory requirement. Such an approach would ensure communities deliver a variety of housing – including affordable tenures – and support local businesses.

Requiring “well designed” development

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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
- No
- Partially agree

Please explain your answer

Beauty is a highly subjective concept. Simply emphasising the need for beauty without offering a clear definition risks introducing further uncertainty into the planning process. And more applications being refused on the basis of subjective, locally-determined design grounds formulated by a narrow range of individuals with their own particular architectural preferences.

Focusing instead on whether a development is 'well-designed' gives greater certainty to those designing and delivering development. And reflects the fact there is more to high-quality design than subjective aesthetic considerations.

As the consultation acknowledges, an emphasis on good-design and placemaking is already supported by the existing National Model Design Code, which offers a clear, robust framework for local authorities for assessing and improving the design of development.

Supporting upward extensions

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

- Yes
- No

Please explain your answer

The previous revision provided a disproportionate level of support for mansard roofs. All forms of upward extensions should be given equal support, provided they are consistent with their surroundings.

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

- Yes
- No

Please explain your answer

Chapter 7 – Building infrastructure to grow the economy

Building a modern economy

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

- Yes
- No

Please explain your answer

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

- Yes
- No

Please explain your answer

Directing data centres, gigafactories, and laboratories into the NSIP consenting regime process

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?

- Yes
- No

Please explain your answer

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?

- Yes
- No

If yes, what would be an appropriate scale?

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

- Yes
- No

Please explain your answer

Chapter 8 – Delivering community needs

Public infrastructure

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

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- Yes
- No

Please explain your answer

We support this change on the basis it should speed up the delivery of new schemes. The proposed wording is a clear indication to local councils that they should support schemes involving infrastructure improvements. This is likely to be sufficient in certain situations to outweigh any doubt a local council may have when deciding whether to award planning permission. Local councils sometimes take a timid approach to the planning balance exercise, and clear guidance is likely to tip the balance in some scenarios.

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

- Yes
- No

Please explain your answer

We support the changes on the basis they emphasise the importance of education in decision-making. As above, the proposed wording will provide local councils with clearer guidance regarding the benefits which can weigh in favour of a scheme.

A 'vision-led' approach to transport planning

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

- Yes
- No

Please explain your answer

Yes. The amendments mean local authorities will have to meet a higher evidence threshold when refusing applications on the basis of highways grounds.

Promoting healthy communities

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

Please explain your answer

National planning policy could better support local authorities in promoting healthy communities

through the preparation of clear guidance regarding the design, layout and form of new developments and levels of open space. This could be similar to the guidance at Part 2 of the National Model Design Code.

National planning policy could better support local authorities in tackling childhood obesity by introducing a consistent approach to controlling hot food takeaways.

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

- Yes
- **No**

Please explain your answer

Chapter 9 – Supporting green energy and the environment

Bringing onshore wind back into the NSIP regime

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

- Yes
- No

Please explain your answer

Supporting renewable deployment

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

- Yes
- No

Please explain your answer

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
- No

Please explain your answer

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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
- No

Please explain your answer

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
- No

Please explain your answer

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

Please explain your answer

Tackling climate change

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

Please explain your answer

Use of artificial grass in new housing developments should be subject to various restrictions to reduce the risk of flooding. It should be prohibited in flood-prone areas where run-off can lead to flooding. And it should only be permissible in small areas where maintenance is difficult (Government could specify a maximum space to be covered by artificial grass).

To promote the use of natural alternatives to artificial grass, Government could also:

- encourage use of wildflower turf as an alternative
- stipulate Biodiversity Net Gain can only be achieved with natural solutions on-site
- mandate reporting on embodied carbon and waste.

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?

Please explain your answer

A carbon impact matrix is likely to be an appropriate way to cover all types of planning decision.

An example of the type of matrix that may be appropriate is that prepared by the Centre for Sustainable Energy (CSE): <https://www.cse.org.uk/my-community/community-projects/local-carbon-management-matrix/>

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

- Yes
- No

Please explain your answer

Use of artificial grass in new housing developments should be subject to various restrictions:

- It should be prohibited in flood-prone areas where run-off can lead to flooding
- It should only be permissible in small areas where maintenance is difficult (Government could specify a maximum space to be covered by artificial grass)

To promote the use of natural solutions, Government could also:

- encourage use of wildflower turf as an alternative
- stipulate Biodiversity Net Gain can only be achieved with natural solutions on-site
- mandate reporting on embodied carbon and waste.

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

- Yes
- No

Please explain your answer

Planning policy needs to assign significant weight to achieving net zero and mitigating the effects of climate change. Planning policy currently limits application of key retrofit measures including external wall insulation, solar PV, Air Source Heat Pumps and window replacements. For example, solar PV arrays must not face onto or be visible from a highway if located within a conservation area or a world heritage site. Clarifying that significant weight should be given to the importance of energy efficiency through building adaptation would greatly help housing associations' mission to upgrade all homes to EPC Band C by 2030.

Availability of agricultural land for food production

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

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- Yes
- **No**

Please explain your answer

The footnote was a valuable inclusion, which recognised the importance of balancing the need for new development with the need to improve domestic food production and food security. The footnote should be retained as it is more explicit than the current reference to recognising the economic and other benefits of the best and most versatile agricultural land.

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

- **Yes**
- No

Please explain your answer

The use of the term “significant development” in footnote 63 could be better defined (e.g., based on site area). Without a set definition, the policy still allows for incremental loss of agricultural land.

Supporting water resilience

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?

- Yes
- No

Please explain your answer

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?

- Yes
- No

Please explain your answer

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

- Yes
- **No**

Please explain your answer

Chapter 10 – Changes to local plan intervention criteria

Revision of the local plan intervention policy 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?

- Yes
- **No**

Please explain your answer

It is difficult to see how the revised criteria offer any practical benefit over the current legal provisions.

As drafted, the revised criteria suggest government may intervene if local planning authorities “fail to do what is required to get their plan in place, or keep it up to date.”

These circumstances are already covered by Section 27(1) of the Planning and Compulsory Purchase Act 2004. This permits intervention if the Secretary of State thinks a local planning authority is failing or omitting to do anything necessary for it to do in connection with the preparation, revision, or adoption of a development plan document.

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

- **Yes**
- No

Please explain your answer

As above, it is difficult to see how the revised criteria offer any practical benefit over the current legal provisions.

As drafted, the revised criteria suggest government may intervene if local planning authorities “fail to do what is required to get their plan in place, or keep it up to date.”

These circumstances are already covered by Section 27(1) of the Planning and Compulsory Purchase Act 2004. This permits intervention if the Secretary of State thinks a local planning authority is failing or omitting to do anything necessary for it to do in connection with the preparation, revision, or adoption of a development plan document.

Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

Changes to planning application fees

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

- Yes
- No

Please explain your answer

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.

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.

Proposed fee increase for other planning applications

Question 92: Are there any applications for which the current fee is inadequate?

- Yes
- No

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

- Government should consider increasing the prior approval fee by 35%. Historically, these applications have been far cheaper than other planning applications, but often yield significant numbers of units
- At the same time, we also recommend Government considers introducing a two-tier fee for prior approval applications. For example, one fee for minor (fewer than 10 units) prior approval schemes and one for major (10 or more units). This may help cover the time associated with some of the larger prior approval applications.

Fees for applications where there is currently no charge

Question 93: Are there any application types for which fees are not currently charged but which should require a fee?

- Yes
- **No**

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

Chapter 9: Planning Fees: And, as RBC analysts noted, the industry reckons “£500 million will be required over four years” to tackle planning delays and the drop in departmental funding.

Localisation of planning application fees

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?

- Yes
- No

Please explain your answer

The cost of determining planning applications will vary across local authorities so it is only fair that local planning authorities have autonomy to set their own fees.

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.

Local Variation is our preferred option.

For developers, it offers a degree of certainty over the level of fees they are likely to incur, especially if fees can only be varied within prescribed limits, as the consultation suggests.

For local planning authorities, it offers the ability to vary fees to recover actual costs where national fees are demonstrably inadequate.

Those local planning authorities lacking the capacity to review fees would also not be compelled to do so immediately – as they would be through the Full Localisation model.

Increasing fees to fund wider planning services

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

- Yes
- No

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?

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?

Please explain your answer

Cost recovery for local authorities related to NSIP

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
- No

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.

Please explain your answer

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

Please explain your answer

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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.

Please explain your answer

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

- Yes
- **No**

Please explain your answer

Chapter 12 – The future of planning policy and plan making

Transitional arrangements for emerging plans in preparation

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

- Yes
- No

Please explain your answer

The proposed transitional arrangements are clear and should encourage more local councils to adopt plans in accordance with the proposed amendments.

However, for those authorities that continue to adopt local plans where proposed paragraphs 227-229 apply, the need to undertake an early review and submit for examination within 18 months will likely place a significant burden on planning departments. Therefore, Government should assess whether local councils have the capacity to comply with these requirements and, where necessary, provide support and resources to assist them.

Further plan-making reforms

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

- Yes
- No

Please explain your answer

We agree with the approach and welcome the comments at paragraph 12 explaining the intention is “to provide absolute clarity to local planning authorities preparing local plans”. This guidance will be key to ensuring the new system is a success. We also welcome the

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intention to set out more information regarding the direction of travel for further planning reform.

Future changes to the NPPF

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

- Yes
- No

Please explain your answer

We welcome the intention to provide a more accessible and interactive set of national policies, as set out at paragraphs 13-15.

Chapter 13 – Public Sector Equality Duty

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?

Please explain your answer