

REPORT FROM: Assistant Director - Planning, Building Control & Regulatory Services

TO: Executive

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Proposed Revisions to the National Planning Policy Framework

PURPOSE OF REPORT

To inform Members of the proposed changes to the National Planning Policy Framework and to agree the response to the consultation.

RECOMMENDATIONS

- (1) That the Executive notes and endorses the proposed responses to the consultation as set out at Appendix 1.
- (2) That the Executive agrees to send the response as set out at Appendix 1 to Government.
- (3) Executive considers if it is expedient to prepare a new Local Plan or proceed with the current one.

REASONS FOR RECOMMENDATIONS

- (1 & 2) To ensure the Council contributes to the development of national planning policy that will affect Pendle and the development of its Local Plan.
- (3) The proposed changes to national planning policy are extensive and will change the content and context of Local Plans and the Council could not proceed further with the current Local Plan and commit to producing one that will fulfil the anticipated future requirements.

ISSUE

1. The report looks at the proposals, implications and suggested responses to the consultation on the new National Planning Policy Framework [NPPF Revision Consultation July 2024](#) The Government has signalled an intention to be more proactive in bringing about new housing development and has set a target of 340,000 units pa across the country.
2. This report sets out the main proposed changes and sets out the suggested responses to the consultation questions as attached at Appendix 1.
3. There are changes in policy such as ending what was effectively a moratorium on onshore island development as well as some minor changes to the working of policies.
4. The planning system in England is plan-led. This means that the policies in Local Plans and Neighbourhood Plans provide the starting point for taking decisions on applications for planning permission.

Housing Provision

5. A major change is the level of housing proposed under the revised standard methodology figures.
6. Figures have been produced by Iceni looking at the level of new houses expected as part of the new methodology. Table 1 shows the housing requirement for east Lancashire authorities together with the current SM figure.

Authority	SM Figure	New Figure	Difference	Min Requirements to Progress a LP to Regulation 19
Blackburn	134	564	430	364
Burnley	51	369	317	169
Hyndburn	50	313	283	113
Pendle	124	382	258	182
Ribble Valley	113	330	217	130
Rossendale	179	361	182	161

7. The standard method calculation has been altered. Instead of starting off with a demographic base the proposal is to require an annual growth based on 0.8% of the housing stock figure an area has. This will produce a minimum figure that is no longer based on demographic need or other need such as employment growth.
8. The increase for Pendle's significant as is the figure for Burnley. Only in exceptional circumstances where there would be environmental limits would the figure appear to be able to be justified to come below the new SM figure.

Implications for the Progression of the Pendle Local Plan

9. The Local Plan is at the stage where it can go to the publication stage followed by an Examination in Public. Part of that examination will be how it conforms to the policies in the NPPF.
10. The changes to the NPPF proposed are significant particularly around the issue of housing numbers. They also have wider implications for Local Plan preparation including the requirement to have to take the housing needs of an adjoining Borough into account if they are not able to accommodate their requirement. The commentary accompanying the draft says that a lower housing number than the mandatory one will only be allowed where a Council can demonstrate “hard constraints” and that all other options have been exhausted.
11. The final NPPF and methodology for calculating the housing requirement have not been published but it is clear that Pendle and other Pennine Lancashire Councils are going to have much higher figures than the current Standard Methodology figure. This will have implications for the site allocations in Local Plans as well as having to carry out or commission new evidence such as reviewing the Green Belt and identifying land that may be suitable for designation as grey belt land which can subsequently be released for development.
12. There are transitional provisions in the draft NPPF which consider what a Council should do if they are progressing their Local Plan and are at or are approaching Regulation 19 (this stage is when the Council is publicising and submitting its final version for examination). The transitional arrangements provide for a short window to react. Should, for any reason, progression on the Local Plan fall short of these transitional requirements, the Local Plan would need to be abandoned and a new Plan prepared.
13. Whilst the transitional arrangements make it clear that any Local Plan that has been submitted for examination will be examined under the current NPPF, they would still be examined in the backdrop of what will be much higher targets. All Councils have received a letter from the Planning Inspectorate (“PINS”) which indicates that Inspectors will not try and correct Plans that are defective in some way but will find them unsound going forward. The window for submitting the Pendle Local Plan is extremely narrow. It must be submitted for examination within 1 month of publication of the new NPPF as that is the only route it can take under the transitional arrangements. Any deviation from that timescale will mean the Plan will have to be abandoned.

Other Issues

14. Full comments on other matters are attached at Appendix 1. Some of the major areas of change are as follows:
 - The introduction of “Grey Belt” as a subset of the green belt. Grey belt land will be able to be developed in a specific set of circumstances including where Councils do not have a 5-year supply of land.
 - Changes to the calculation of the 5-year supply of land.
 - Changes to greenbelt policy. Whilst this is mainly around grey belt the consultation brings to the fore the whole concept of green belt as many Local Authorities with green belt already have development pressures to release green belt land. There is a question of whether the policies proposed should be predicated on a review of the continuing purpose of green belt.

- Planning fees. Full cost recover and surplus to fund further staff form part of the consultation.
- Rescinding of the policies which effectively prevent alternative energy schemes coming forward without community support.
- Changes to the scale of development that would be subject of the Nationally Significant Infrastructure Project regime.
- No longer a requirement to undertake Borough wide Design Codes.
- Setting of Government benchmark land values to base viability on.
- A set of new “Golden Rules” that all development should adhere to.

IMPLICATIONS

Policy: The report outlines how the proposed changes will impact on Pendle, its planning policy and its environment

Financial: The future changes to national planning policy may involve additional costs for the preparation of new evidence.

Legal: The Council has statutory duty to prepare and have in place an up-to-date Local Plan. There are legal requirements associated with plan preparation which must be fulfilled.

Risk Management: The continuation of the preparation of the Local Plan in the knowledge that there will be significant changes to national planning policy and in particular the housing number carries a significant risk of the Plan being found to be unsound. Even if it is progressed and found sound under transitional arrangements, there will be a requirement for an immediate review. Regardless the Council will be unable to demonstrate a five-year supply against the new standard method figure for Pendle (if adopted as proposed), meaning that the presumption in favour of sustainable development will be required to be implemented for decision-making purposes.

Health and Safety: None arising directly from this report.

Sustainability: None arising directly from this report.

Community Safety: None arising directly from this report.

Equality and Diversity: None arising directly from this report.

APPENDICES

Appendix 1: Proposed responses to the draft National Planning Policy Changes

LIST OF BACKGROUND PAPERS

National Planning Policy Framework 2021.

<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>

https://assets.publishing.service.gov.uk/media/66acffddce1fd0da7b593274/NPPF_with_footnotes.pdf

Appendix 1

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

Yes. The changes in December 2023 introduced uncertainty and unnecessary ambiguity to determining the housing requirement. The changes however should go further. The reason why so many Plans take a long time to develop is devising the housing figure. The ambiguities and range of options in the current NPPF and the National Planning Practice Guidance means that each LPA is put in a position of reassessing the number and having to take into account a diverse and complex range of scenarios. The more simplistic the guidance and the set of circumstances to be taken into account the more realistic it will be to get Local Plans delivered on time.

- 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. The simpler the options the more realistic it will be to deliver Local Plans in a reasonable time. The complexities of determining the housing number cost time, money and created much uncertainty in delivering Local Plans.

The mechanism proposed to set the housing number is however overly simplistic and does not represent an accurate way to assess need or demand. The figure for example for Pendle is significantly above any assessment that has been undertaken for the Borough over two decades, including for two adopted Local Plans.

It does not take into account actual need, nor does it allow for factors such as economic performance to be factored in. Unfortunately, it appears to be another example of a one size fits all approach to planning policy which has proved to be unsuccessful over previous iterations of the NPPF. Without any recognition of local circumstances, particularly around demographic need and economic disparities between areas, the single inflexible approach to housing numbers will create untannable and unrealistic housing requirements.

The most effective way of dealing with the housing requirements has in the past been through Regional Spatial Strategies. A similar mechanism could be employed now where basic housing requirements are devised and then other factors are employed to reach a sensible figure. This would be an independent but binding process and would allow an

overall housing target for a region to be achieved but in the most effective and deliverable way.

The Universal Strategic Planning framework appears to be a mechanism for achieving this. The situation could however be that LPAs go through an interim adoption process for Plans that are oven ready. They will then spend time and money preparing for new Plans. Other Councils will start on Plans with the yet to be agreed revised NPPF. All that may be undone by the Universal Strategic Planning framework. A constant over the past 15 years is that the persistent tinkering and lack of sound processes with the planning system has caused significant delays to Plan making and major expense for Councils. It would be preferable to co-ordinate the whole approach and get a single cohesive Plan making process in place before embarking on a major policy change.

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

Yes. There should be a coordinated approach to housing and growth not uplifts in a narrow set of locations.

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

Yes. However deleting para 130 on its own does not overcome the issue of designs being appropriate for an area and if para 130 is deleted other changes need to be made about design expectations for areas with increased density. There is still a requirement to produce design codes with expectations that development will fit into an area. Design codes consider the characteristics of an area and are unlikely to support higher densities. If better use of urban land is to be expected design standards ay need to be reduced if the circumstances are correct.

- 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. Design codes are there to support specific designs which integrate into areas in a way that is compatible with the existing design. Areas that have the greatest opportunity for change are the areas that would benefit least from design codes as by their nature they are areas that can accommodate change most easily.

Design codes are also prescriptive and do not allow for innovation. Areas of change should have broad parameters set out in planning policies in Local Plans density, height, parking etc. There should also be broad design policies in Plans. It should then be left for LPAs and developers to produce a design that best suits the area within the broader design criteria that have been set.

The requirement not to have Borough wide design codes is welcomed as they are expensive to produce and have little practical use.

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

Partially. The changes to paragraph 11 give clarity to the issue of what policies shoe be taken into account. Previously the courts have had to resolve the ambiguity which demonstrates that the policy was an ambiguous and poor one.

The issue that many Councils may find themselves in is that although they have a current five-year supply based on current policy, with the significantly inflated figures (Pendle has a current SM of 124 with a new requirement of 382) they will almost instantly not have a five-year supply. That will potentially mean many unacceptable sites coming forward without Councils having the opportunity to address supply. The purpose of a Plan led system is to make sure the impacts of development are directed at the best land and that development is supported by the necessary infrastructure. That will not be achieved if the presumption is applied instantly to large parts of the country.

A transitional period should be allowed, and greater weight given to emerging Plans to prevent what could be large environmental damage. The transitional period should be extended from the current month outlined in Annex 1 of the consultation document.

- 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?

Partially. The idea of having a five-year ready supply of housing land is accepted and one that provides flexibility in the planning system where there is under delivery. The transition to the new housing figure will however instantly alter the position many Councils are in. For example, using an average density of housing of 30 per hectare Pendle has a requirement under the current SM figure to provide 50ha of land. A 5-year supply would equate to 20.66ha. Using the new housing requirement Pendle would need 191ha of land which equates to 63ha of land. Just to have a 5-year supply of land requires an allocation 27% greater than the total current SM figure requirement.

Finding more land does not happen in an instant. Pendle could not meet a 5-year supply even allocating all of the land needed to meet the current SM figure. There must be an interim arrangement or risk the whole planning process becoming unwieldy and unmanageable.

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

No. We agree that the wording could be amended but there would need to be additional wording to add in transitional arrangements.

- 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?

No. The whole purpose of having a five-year supply of land is to ensure there is an adequate supply of alternative land. It is not clear what having another buffer achieves other than complicating what should be a straightforward annual calculation.

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

No further comment. Please refer to question 9.

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

Yes.

They served no purpose and were used only occasionally. Annual Position Statements were not a practical proposition for many authorities given the short timescales, the amount of work involved and the risk that an Inspector may remove sites from the supply pipeline.

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

No. The issue is not about effective co-operation between Councils but having an effective mechanism for agreeing what the strategic priorities for an area will be.

The concerns that we have are that this will require substantial resources to be given to dealing with this including providing an evidence base. Amending the NPPF to ask for greater cooperation will do little without having the infrastructure and frameworks to agree a strategic framework. Consideration should also be given to having an independent body to oversee and agree the final spatial strategy including housing figures if that requires a redistribution.

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

No. This adds in unnecessary complication, complexity and cost to the Local Plan process. Plans already need to be realistic and deliverable so adding in a test that is already there would achieve very little.

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

No.

- 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?

No. The Council welcomes the aspiration to set a clearly and less complex way of producing a housing figure to base the preparation of Local Plans on. It is accepted that there is a need to increase the number of houses needed nationally to provide for the level of housing that will be needed to meet societal needs and to provide adequate housing for future generations. We also agree that the previous way of calculating the Standard Methodology figure was outdated and prone to errors built in over successive years of inbuilt incorrect assumptions.

The SM figure was however designed to meet the basic demographic needs of an area as well as an uplift for affordability. Pendle has an SM figure of 124 but the new methodology has a figure of 382. That equates to 1,860 and 5,730 for the two methods taken over a 15 year Plan period. The difference is 3,870. It is difficult to reconcile such huge discrepancies and neither methodology is robust.

Housing requirements are not simply a matter of a percentage increase in housing stock. The distribution of housing has many issues to be taken into account including demographic change, migration, economic performance, spatial development aspirations and house prices.

During the time of the last Labour Government areas such as East Lancashire suffered from housing market collapse requiring major intervention in the form of the Housing

Marker Renewal Programme. That included a moratorium on new house building as the levels of new house building was resulting in empty homes of circa 10% of the housing stock.

We are not suggesting that this will occur again but there will be impacts if the level of house building required is far in excess of what the market will sustain or what in reality is what is required to meet the needs of the area.

The aspiration of Government to provide house building at higher levels spread more evenly across the country is acknowledged but the reality, as has been experienced in spatial strategies such as the Greater Manchester Strategy, is that the redistribution of housing is not automatically followed by the redistribution of people and hence housing need.

If housing numbers are driven up by a theoretical number that has no basis in reality of what an area needs or can deliver all that will achieve is a planning hiatus of under delivery and out of date plans with a resultant impact on local communities, landscapes and infrastructure for development that will not be delivered.

The methodology needs to have regard to local circumstances, demand, economic performance and demographic (including migration) need. If numbers are not grounded into a realistic deliverable figure all that will happen is that nationally there will be an overall supply of sites available to meet the 1.5 million homes target. However, there will be areas delivering due to demand being there but will underdeliver on potential as they will have met their arbitrary target. Other areas will not deliver as housebuilders will not overprovide in an area and risk not being able to sell their products.

The issue of viability needs to be addressed in any policy. Adding housing to areas that have suffered from lack of viability will not result on development being brought forward.

The simplistic approach advised will not work. It may be an advisory starting point, but past delivery, demographic trends and economic performance must also be taken into account to provide a realistic and deliverable number.

Green Belts are in place in major urban areas including for 34 years in Pendle. They have proved to be effective in constraining development to achieve their 5 purposes. The consultation indicates that GB boundaries may have to be redrawn to meet new demand. The reality is that the concept of greenbelts and their purpose will need to be fully reconsidered if the growth targets set are to be achieved. We are already seeing the need to take land out of greenbelt for the modest land take needed to provide for new sites. The concept and purpose of the green belt will need to be reconsidered if there is any likelihood of meeting the new targets.

Although any standard method calculation would benefit from a link to the existing housing stock, the proposed methodology is flawed.

In areas such as Pendle, which have experience de-industrialisation over many years, there is simply not the level of demand for new housing that is implied by a standard method calculation that is solely based on the existing housing stock figure. If homes are to be built on the scale that is proposed, this could give rise to housing market displacement or simply prove to be undeliverable.

The most immediate housing need is to rebalance the existing housing stock. This requires the clearance of poor-quality terraced housing, its replacement with high-quality low-density family homes and high-density flats/apartments in the most accessible

locations. This should be accompanied by interventions which seek to promote active travel, improve public transport and introduce green infrastructure to improve the quality of life in our densely populated inner urban areas, and crucially support new employment growth to increase average household incomes and support our town centres.

- 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. It would be prudent to increase the numbers of affordable homes in areas where affordability is most challenging.

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

Yes. The need to provide affordable housing is a key element in our national housing requirement and the weighting seems appropriate.

However, in poorly performing markets, where the affordability ratio is below the national average, there is an argument that the adjustment should come off the baseline figure, rather than be added to it. This shows a one size fits all policy is inappropriate as it needs to be tailored to individual areas.

Adjustment should be applied against national or preferably the regional average position as this is an indicator of weakness within the market/demand. The methodology should deduct from the housing requirement where it is below the national (or regional) average (increased incrementally the larger the difference) and vice versa.

- 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. In most housing markets the rental sector plays a significant part in delivering affordable housing. It is essential that affordable rental is catered for.

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

Paragraph 19 a of the consultation refers to ... "setting a target that is removed from reality". For Pendle the proposed numbers do exactly that. There is no possibility that the level of housing proposed could be delivered and occupied. The maximum that has ever been delivered in a single year is 342 with an average of 170. Pendle has a policy of allowing delivery of housing outside of settlements which allows the market to deliver new housing in excess of that allocated.

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

Yes. This does however not really advance the policy about brownfield land which is already presumptive in favour of developing it.

- 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?

No. The development of such sites should not be tied to openness. The concept of openness is to keep the green belt free of new development. Allowing PDL to be developed is to provide additional sites to reduce the need for green field development. By keeping the requirement to still consider openness dilutes the purpose of the policy. The policy should refer instead to landscape impact and design and omit openness.

The policy also does not have regard to infrastructure needs nor other potentially important local plan policies i.e. on landscape.

- 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.

There appears to be little to justify only considering the role of horticulture and glasshouses as opposed to the wider concept of including agricultural sites as PDL. The purpose of the planning system is to provide land for development but in a sustainable way. That means access to services and infrastructure. Expanding the definition to glasshouses brings with it issues about land take, infrastructure provision and sustainability that should be properly dealt with in Local Plans.

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

No. The emphasis of the revisions overall is to provide for the development needs of the area and to deliver extra housing. Green belts have been in place for many years whilst development has been delivered and sites designated already requiring green belt release. Green belts and the level of development being put forward are incompatible. There will need to be significant green belt release to achieve new targets. There should be a review of the purpose and extent of green belts, the purpose of which have changed over time.

The designation of grey belt land will be through the development plan process. That process will need to assess the development needs of an area and will define what green belt land may be needed to accommodate that. It seems illogical to complicate the process by adding in a designation when the green belt will be being assessed for development needs and sustainability via the Local Plan process including the requisite sustainability assessment.

The individual parcels of land in green belt do not necessarily lie in locations that are compatible for new development. The parcels that perform the worst may not therefore be those which should be developed. There will be situations where better performing green belt land should come forward ahead of poorer performing green belt land so the policy of grey belt release first could lead to disjointed development. As indicated previously the optimum way to deal with this is via a Local Plan.

Need to be clearer that Grey Belt sites remain part of the Green Belt and that openness continues to be its key attribute.

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

The purposes of green belt do not include its landscape quality. The five purposes do not impact on degradation. There are no other measures required.

- 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?

Additional guidance would be helpful, but as the question implies this should be within PPG not the NPPF.

- 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?

The guidance is adequate.

- 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?

LNRS's will identify areas for ecological improvement. It is not their role that is an issue but what local planning authorities are then expected to do with that information when being required to release green belt where there are development pressures. This should be a constraint that can justify lower numbers when there will be ecological damage.

The focus of LNRS is biodiversity rather than planning objectives. Their focus should be on identifying key areas of need irrespective of its location in order to create stronger ecological networks.

- 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?

The policy here wants to have its cake and eat it. Green belts cannot inure in perpetuity. They have been in place for a long time and when they were introduced they were designed to be drawn tightly. The evidence is that they are already under significant pressure with large areas having been released. That cannot continue whilst meeting a much higher national housing objective.

The purpose of the green belt is incompatible with the new development requirements in many areas. In Pendle there would need to be significant green belt release if development needs are to be met, particularly with the significant scale of development that will be required to achieve the new housing figure. Government cannot expect to have development needs met whilst maintaining the broad extent of green belts which are already restricting the amount of land available for development.

There is a danger that the identification of Grey Belt sites could undermine the effectiveness of the Green Belt and lead to further erosion if reviews are not carried out in accordance with a detailed methodology.

- 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?

Whilst we support the retention and purpose of green belt the fundamental question is whether it is still a viable designation when juxtaposed to the significant increases in the housing target. The development of policy should be undertaken based on evidence which does not appear to have been thought through on these two issues.

- 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. The changes proposed are predicated on there being an evidence base in place to allocate land as grey belt. That can only be achieved through a Local Plan as it is only a Local Plan that can change the designation. What the policy will do in the immediate short term will increase appeals so that Planning Inspectors determine what is or is not grey belt.

There is ambiguity in the wording. What is meant by “other need”. That is too open to interpretation to be of practical use in decision making.

- 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?

The proposals for the green belt, taken holistically, are leading to the conclusion that there is a need to release green belt with an increasing reliance on exceptions. Our view is that the green belt and its extent should be defined in Local Plan updates and subsequently then only developed, other than for the current exceptions already in the NPPF, after a Plan review.

- 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?

The green belt and the application of policy should be undertaken in the same way for permanent housing as well as for traveller sites. There should only be green belt release where there are very special circumstances which would include if there is a lack of provision of traveller sites as well as whether there are any sequentially preferable sites outside of the green belt.

The development of traveller sites should be subject to the same requirements as other forms of development in the Green Belt. Unless there is clear support for the proposal from the traveller community, the development of sites should not be encouraged in unsustainable countryside simply to remove the possibility of objections from nearby communities.

- 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?

Local Plans already review the need for traveller sites. New sites should continue to come forward as part of a review of needs as part of a Local Plan.

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

Pendle, alongside other Councils, has criticised a one size fits all approach to planning policy that has prevailed over many years. In low demand areas there are affordable housing targets of zero in some locations due to the viability problems faced. Indeed on many PDL sites some form of gap funding is needed.

50% is totally unrealistic for many parts of the country. Targets should be set as part of Local Plan reviews or the policy should require viability reports to be submitted where there is no set percentage.

- 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?

Councils should be able to set their own targets. Viability is so variable across the country that a single target, particularly at 50%, would be unworkable.

Local planning authorities should be able to set lower targets in areas with poor viability, or the required levels of new housing development will simply not occur.

- 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.

- 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?

Setting benchmark values would help to evaluate development viability over and above the ad hoc way it is undertaken currently. If it is to be set there should be a presumption that it can not be challenged. Our experience is that developers will challenge values on a regular basis depending on the deal that is negotiated.

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

This is significantly difficult. Not only do values change between different Councils but they can alter rapidly in short distances within Council areas.

Green belt values are not necessarily lower because of a lack of hope value. As soon as a policy changes the value of land will increase as the policy will create hope value.

The only realistic way of setting accurate and workable values will be to undertake local viability studies.

A “reasonable and proportionate premium” is vastly different to “the minimum return at which it is considered a reasonable landowner would be willing to sell their land” as set out in the current PPG. This difference in approach seems likely to create a two tier land market.

For example when the value of land increases due to its development potential, landowners in the Green Belt will receive less of the uplift than owners of similar areas of land outside the Green Belt.

- 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?

The assertion that policy requirements should be assumed to be viable where land transacts at a price above a nationally set benchmark land value seems sensible on the face of it.

- 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?

We agree that this should be the policy position.

- 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?

Late viability agreements are not uncommon. Our experience is that there are wide ranging viability differences even in short spaces.

We would suggest that the way to deal with viability would be to require overage agreements. If a developer is found to make a given % more profit than in their viability assessment then they should make pay an overage amount to the LPA to be used for affordable housing provision elsewhere.

- 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?

Traveller sites are residential and will be the subject of the tilted balance where there are not enough sites in a LPA. That will reduce the weight to be given to the golden thread.

For commercial sites they should be expected to be fully compliant with policy and where there are inadequacies such as transport infrastructure the development should be expected to provide for that infrastructure. It must be one of a developer considerations before applying for planning permission.

In terms of PDL in the green belt these sites are already in situ with a use. If the policy emphasis is to see these sites come forward it would be difficult to fully apply the golden thread including locational requirements for infrastructure. Policy would need to accept that there would be a reduced standard to make a site acceptable.

- 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?

Our view is that development in green belt should only come forward as part of a Local Plan review.

The golden rules should only apply to Green Belt release, which occurs after the new NPPF has been published.

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

The wording is acceptable in terms of the proposed policy.

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

The issue is about having the resources to be proactive. Councils do not have staff to devote time to CPO and other processes as well as to develop Local Plans. More resources are needed to do this.

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

Mo further comments.

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. Social rent is an important part of the housing sector and needs to be assessed for need.

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

Yes.

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

Yes.

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

No.

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

The tenure mix should be determined using an evidence base. A tenure mix that is not reflective of an areas need will not succeed.

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

The delivery of social rent/affordable schemes is interlinked with viability or the investment in 100% affordable schemes by social landlords. In areas where viability is limited investment plans of social providers is the optimum way of delivering high percentage of affordable schemes.

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?

We have no evidence to suggest what an appropriate size would be.

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

By its nature rural housing will often be more lucrative and bring in better values to land owners. They in turn will expect higher land values. Experience is that when values decrease in terms of market viability land owners will hold onto land until values reach a level they are comfortable with.

Allowing sites to come forward with an element of affordable housing as well as market housing can incentivise landowners to bring land forward. That would involve however increasing the housing requirement in order to facilitate both.

Setting benchmark land values at a realistic price and facilitating CPO powers to acquire rural sites would be a mechanism for bringing sites forward.

Planning Inspectors have made frequent decisions to allow new housing for local affordable needs. Too often these are not tied down and developments just become speculative. There needs to be a mechanism for controlling the long term occupancy of rural exception sites.

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

The changes are appropriate.

- 56 Do you agree with these changes?

The changes are appropriate.

- 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?

No comment.

- 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?

Para 16 is key here. LPAs have tried but have not been able to identify enough small sites. Evidence from our Borough is that many sites have been developed and that there are simply not the sites available to allocate. It would be a rash policy to require Councils to allocate small sites, examine Plans on that, in the knowledge that the target cannot be achieved.

There should be an emphasis on trying to identify small sites but with the caveat that where evidence shows they are not available then the requirement is removed.

- 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. Reference to beauty was inappropriate to planning policy. Beauty is not measurable where good design is able to be assessed.

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

Yes.

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

Yes.

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

The proposals recognise the need to identify strategic sites and of the value of supporting existing commercial clusters. Read in conjunction with other policies the proposals are sensible.

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

No comments to make.

- 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?

Provided they are of a sufficiently large scale they could be appropriate for the NSIP.

- 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?

They should be limited by scale. That should be the subject of further research.

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

No.

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

Yes, this is fully supported.

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

Yes this is fully supported.

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

The provision of sustainable transport modes is not a visionary process. It needs to be co-ordinated but reasonable in the circumstances. The changes will make little impact and we do not object or support them.

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

Making the link clearer between planning policies and the proliferation of takeaways and their proximity to school. The planning system is not however the mechanism to control menus.

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

No further comments.

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

Yes subject to criteria on scale.

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

The greater support for renewable energy is supported. Paragraph 164 does however need to be caveated. It states that renewable energy schemes should be supported but that needs to be caveated by saying “normally” supported “when there are no unacceptable impacts”.

Paragraph 164 is strongly worded and gives significant support to all sizes and types of renewable energy schemes. As such Paragraph 160 has been deleted, presumably on the basis that all renewable projects, irrespective of scale and origin should now be supported and there is no longer any need to establish a hierarchy.

The importance of community schemes shouldn't just be judged by MW yield. Process and expectations are an important part of the “hearts and minds journey” to net zero and particularly important if schemes rooted in the local community are to be given the helping hand needed to get them to the decision stage. Without this acknowledgement community energy schemes risk being crowded out by the big commercial players.

The deletion of old paragraph 164 (new 165) might allow schemes to be assessed based on their own merits. As written the lack of transparency and inconsistency in the criteria for defining suitable areas of search for renewables could continue.

- 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?

Renewable energy schemes should avoid the most sensitive environmental locations. To place them within such areas is counterintuitive to what they are designed to achieve. Policies should have locational criteria to divert development from environmentally sensitive locations and to direct searches to other sites.

- 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?

We agree with the threshold change.

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

No comment.

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

No comment.

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

Polices could require developments to provide for a range of technologies to make them environmentally more sustainable. That could be achieved either through planning policy or through the building regulations.

- 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?

This is an area that has little in the way of practical tools and there is only limited understanding from practitioners. Developers inform us that there is already a major burden on them which is being complicated by the somewhat chaotic roll out of Biodiversity Net Gain. More needs to be done to understand, prepare, set supply chains in motion and deliver on carbon accounting and construction.

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

Our experience is that flood risk is adequately catered for in the development plan and planning process. Much of the issues for bringing developments forward is a lack of a recognised methodology for compiling flood risk assessments and a lack of resources from public bodies for staff to process them.

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

No.

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

We agree that the alteration is appropriate.

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

No comment.

- 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?

No comment.

- 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 comment.

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

No.

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

There needs to be clear criteria as to when intervention powers should be used. Whilst the consultation refers to criteria in fact they refer almost exclusively to whether the Secretary of State “thinks” that a LPA is failing in its duty. There are in fact no actual criteria.

It would be useful to set out the circumstances in which the SoS may exercise their powers to give clarity to LPAs over what is expected.

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

We would support criteria being set out as to what the circumstances for intervention should be. For example although the consultation indicates that decision on intervention would have regard to development needs it is far from clear what the criteria for assessing those needs would be and what may trigger an intervention.

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

Yes. The proportion of fees to the cost of householder development would be small. Having a fully financed service would allow the LPA to properly resource the service and secure the right staffing levels.

- 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.

- 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. The fee amount to cover costs is a moving feast as application numbers themselves move. £528 is a reasonable estimate of cost recovery for householder applications.

- 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.

Condition discharge fees do not cover the time to deal with them unless they are simple.

- 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.

Listed building applications.

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

Yes. Locally set fees would ensure that the costs of the service were fully covered over a rolling period.

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

Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.

- 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. Local authorities have other needs associated with dealing with planning applications that need to be covered but will not be directly related to planning application fees. Policy development for example relating to biodiversity net gain. Having ecologists on board to deal with this is going to be extremely important going forward but cannot be afforded.

There is a skills shortage across planning partly driven by Councils only having the bare minimum members of staff employed. Having apprentices to ensure long term continuity could be covered by additional fees.

Enforcement is an integral part of the planning process and has no fee income to cover it.

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

Enforcement and biodiversity. There may be the need for valuers to set CIL charges.

- 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?

No comment.

- 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.

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

Cost recovery should be on the basis of a fully staffed service meeting all of the statutory functions planning services are obliged to have regard to.

- 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.

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

No

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

Yes. The new planning system and the delivery of it are not known, systems tested and it is unclear if the deadline of December 2026 for Plans prepared under the new system will be realistically deliverable.

The whole emphasis of the UKI planning system is to provide certainty over plan delivery. The changes to the NPPF will give virtually no time for advanced Plans to go through a transitional arrangement. That is a huge waste of time and resources. A longer period of 6 months should be given.

104 Do you agree with the proposed transitional arrangements?

Planning reforms that are being suggested have been proposed for a long time but the ability to deliver them is far from certain. Whilst the intention of a simplistic, technology driven LP process is noted setting out arrangements for it to be delivered without any certainty it will be is not a sound way of delivering good appropriate Local Plans that will benefit the communities they serve.

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

Uncertainty in the process is a major issue in Plan making. There is still considerable uncertainty about many of the issues. Until there is clarity no timetable should be set and Plans in progress should be allowed to continue.

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.