

Kempsey Parish Council

Consultation on proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system July 2024.

Response to Consultation Questions

The Parish Council was not made aware of the Consultation until relatively recently. The proposals have potentially wide-ranging implications for development in the parish and its parishioners and we would have appreciated more time to consider all of its aspects. Moreover, undertaking the consultation predominantly through August has meant that the availability of councillors to give attention has been affected because of, for instance, family and holiday commitments.

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

Yes, up to a point. Since this question refers to ‘changes’ to para 61, it appears in part to duplicate question 2. However, it is assumed it is specific to the removal of the flexibility of the outcome of the Standard Method being only the starting point in a housing need assessment. The parish council has experienced the problems and issues for both witnesses and Inspectors at inquiries in applying the Standard Method in a number of guises and so supports the intention to provide certainty by standardising a methodology for assessing housing need. However, the proposed revised Standard Method is not supported and is considered in later questions.

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?

No, while certainty of methodology is supported (Q1), there will be exceptional local material circumstances which require other factors to be added to the equation rather than an inflexible ‘one size fits all’ formula.

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

No. As an overwhelmingly rural parish abutting an urban area, we are already having to accommodate additional development which is not being accommodated where the source of the demand has arisen. Removing the uplift will increase overspill into surrounding areas like ours, undermine the priority of first developing Previously

Developed Land (PDL) in urban areas, increase commuting unsustainably and diminish the efficient use of spare infrastructure capacity and services available in larger settlements. If factors such as contamination mitigate against the viable development of PDL, and thereby encourage the soft option of choosing greenfield land, the government should consider making subsidies or tax relief or other incentives available if the prioritising PDL strategy is to succeed.

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

No. Para 130 applies to urban sites only but requires definition of what those are. While our response to Q3 might support maximising densities on urban sites, the deletion would not be conducive to the later NPPF objective to achieve “well designed” development. Development which is not sensitive to the character of its location cannot be considered to be well designed. Moreover, para 130 mitigates only against development which would be wholly out of character with its surroundings, which allows considerable variation and is entirely reasonable. The Consultation variously refers to from ‘maximising’ to ‘uplifting’ to achieving ‘appropriate’ densities and the efficient use of land. This is unclear and potentially contradictory as to the outcome required when considering development proposals. Para 129 refers to ‘optimising’ the use of land which is a better approach since it requires other factors than density alone to be taken into consideration.

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. The parish includes a substantial part of an urban extension, for much of which a Design Code has been prepared. This sets a vision for its development. However, it remains to be seen, once parcelled up by the land management company and passed on to housing developers, how robustly it will be applied to ensure that the overall vision is achieved. LPAs will need the resources, skills and government support, through the Inspectorate if necessary, to make such ‘spatial visions’ effective and successful. Moreover, their primary function should not be, as inferred, to secure greater densities. Quality of life through good dwelling design and layout, with satisfactory internal and external space standards, should be the principal objective.

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

The presumption in favour of sustainable development would remain as now. The proposed amendment seeks to change the threshold when it is to take precedence over 'out of date' housing land supply policies and cause the 'tilted balance' to be applied. The 'policies for the supply' clarification is a welcome attempt to overcome current uncertainty, if Footnote 8 is taken at face value so that it would apply only to those policies which make positive development allocations or affect the provision of land. However, other policies, such as those which prevent development outside defined settlement boundaries, also influence the supply and location of affect the supply of developable land. Are those also to be considered out of date?

It is noted that policies for the location and design of development would remain as part of the assessment of development proposals so that lack of a 5YHLS should not itself be the determining consideration. This should be emphasised.

Footnote 9 is also proposed to be amended. This would remove the 4YHLS target introduced in December 2023 to areas where plan preparation is at an advanced stage. This removal is not supported. The reduced threshold is an important concession and a safeguard when an up to date package of development policies is near to adoption following public consultation.

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?

No. There should be a period to allow a newly adopted local plan to settle in and take effect without the diversion and potential repercussions of preparing a 5YHLS assessment, which requires sites to be deliverable, usually with planning permission, but which does not achieve that supply target. Newly allocated sites, for instance, will take time to be brought forward, receive full planning permission, become serviced and commence development. This could immediately undermine the plan's newly installed development strategy and deflect investment in properly identified and allocated sites. The existing 5-year post adoption period, when the local plan is presumed to be up to date, prevents such possibilities and ensures stability and confidence in the planning system.

Moreover, there is undue emphasis on making land available through the planning process in meeting housing need when there are many other factors – lack of supporting infrastructure, the ability of the construction industry in its many guises to build at the required rate, consultant and local authority planners, architects and engineers to ensure the quality and performance of new development meets the standards required and the economic situation itself which deters home provision and ownership. There is land in the parish which has been committed in the local plan for over 2000 dwellings since 2016, after lengthy negotiation has had outline planning permission since 2022 but has yet to experience a shovel in the ground and cannot be included in the Housing Land Supply assessment. That is an issue for the development industry, not the planning process. It distorts the true picture of housing land availability, leads to ad hoc development proposals being made – and granted often on appeal - tacked onto existing settlements without adequate facilities, services and infrastructure. This is the antithesis of sustainable development.

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

No. This concerns the removal of the 4YHLS provision already addressed in response to Q4. For convenience it is repeated:

“Footnote 9 is also proposed to be amended. This would remove the 4YHLS target introduced in December 2023 to areas where plan preparation is at an advanced stage. This removal is not supported. The reduced threshold is an important concession and a safeguard when an up to date package of development policies is near to adoption following public consultation.”

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?

No. The 5% buffer would artificially inflate the assessment of immediate housing need and thereby the quantum of land required to meet it. Increasing nascent demand in this arbitrary way does not and cannot conjure up additional land in a controlled fashion and would only generate further ad hoc development proposals in inappropriate locations. It is perceived as a punishment on the planning system, with resulting harm to existing communities, when there are many other factors – the inability of the development industry itself – which determine when land is brought forward for development.

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

Not applicable in view of response to Q9. However, any figure would be arbitrary.

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

The parish council has no experience of Annual Position Statements. Since the indications are that they are seldom used, we do not object to their removal. Our LPA's current practice of an annual Housing Land Supply report (sometimes with intermediate updates) and Housing Delivery Test results are sufficient indicators of the situation.

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. Administrative boundaries do not accurately reflect where development needs, pressures or potential arise. The proposal simply reinforces the obligation to co-operate which already exists and is being followed by the 3 South Worcestershire Councils in whose local plan area the parish sits. However, timely and meaningful co-operation is very difficult to achieve particularly when neighbouring (or possibly distant) LPAs (and other agencies) have local plans at different stages of preparation. The potential uncertainty this may cause is recognised in the proposed amendment to para 28 without a satisfactory solution.

It would appear that a new level of strategic planning guidance (could this be the reintroduction of regional strategies?) is intended which may help.

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

This question is not understood. Strategic scale plans and proposals (which will have been identified in local plans) will already have been tested for soundness. Unless there is evidence that the existing tests are not appropriate they should remain as they are.

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

Yes. This Chapter is headed 'Planning for the homes we need' but, neither here nor in following chapters, is the crucial need for supporting services, facilities and infrastructure to be provided at a local level. These should put in place preferably in advance of - or at least in step with - housing development, so that residents of new houses have what is needed to ensure a good quality of life. Only then can they be called 'homes'.

Nor does it identify whether the housing need to be met is to be 'local' (to be defined) or to meet demand generated elsewhere.

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?

No. The objective is for housing supply to meet assessed housing need. It is recognised that by using past household creation trends projected forward, the current Standard Method does not truly identify whether existing needs will remain static, grow or decline. However, it does have some factual basis. Simply universally requiring housing growth to be a proportion of existing housing stock is a crude, inappropriate and blunt tool, particularly when based on an average annual increase of housing stock nationally. It has the potential to over-supply in some areas and under-supply in others without assured compatibility with local housing need, which goes unassessed. What constitutes 'stock' would also need to be standardised – would HMOs, hostels, care homes, nursing homes, caravans (all of which contribute to meeting housing need) - be included?

A more refined method is required, perhaps by setting a lower base level to then be adjusted by a projected household formation assessment.

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

Yes. Assessment over a longer period would be more likely to be representative and allow for variations in house prices over time. However, some allowance should be made when unusual circumstances arise, such as dampened house demand and prices in periods of recession or crisis, Covid being an example.

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

No, it is given too great weight and would exacerbate the assumption that housing need is predominantly a result of too high demand and too low supply. Affordability is influenced by other factors such as an area's attraction to high earners; poorly paid local employment; the availability of well performing schools; efficient transport links to other employment areas for commuting; reliable health services close by, second homes or holiday rentals and so on. Artificially Increasing supply in this way would not reduce such effects so new housing would still be more desirable and assume premium prices and remain unaffordable. Similarly, there would be no good reason why housebuilders would reduce prices when demand and land values/build costs would remain high. Restricting housing types/tenure would only partly offset this and there is already provision, for instance, for rural exception sites to meet truly local need.

It also ignores other economic factors such as the strength of the economy nationally and locally; levels of unemployment; interest rates; external influences such as world unrest and inward migration, vacancy ratios and so on. Again, the suggested Standard Method is an overly simple 'solution' to a problem, the cause and effect of which have not been accurately assessed. The affordability factor is more likely to reflect desire to live in a particular location than necessarily establish need.

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?

No. The possible relevance of rental levels is not mentioned in the consultation text, perhaps because it is so variable and influenced by many factors. Should it apply both to self-contained accommodation and HMOs, for instance? Rents are artificially affected by student demand near colleges and universities, by nurses and medical staff near hospitals and by second home/holiday destinations. Moreover, renting is often a preferred choice and not indicative of an unmet need. Rental levels, perhaps other than social rents, are often comparable to mortgage repayments and raising the initial deposit appears to be the problem. That cannot be resolved by the planning process.

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

Adults obliged to continue living with parents is a better and more direct indication of unmet demand, as are couch surfers, rough sleepers, overflowing hostels etc. The needs of such groups should receive similar attention, coupled with social policies.

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

Not sure what 'brownfield passports' are but 'Yes' otherwise. The change is relatively modest and simply reinforces the current preference for the use of PDL in settlements. However, it should be made very clear that acceptance of proposals in principle should not override the need to take other material considerations into account.

Also agree that support should be given to remediate despoiled etc. land but with mechanisms in place to give incentives to landowners to bring PDL forward.

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, up to a point. There is no Green Belt in the parish but there is a Significant Gap which fulfils similar purposes, notably to prevent the coalescence of settlements. It is likely that changes to GB policy may ripple through. For the most part the proposed change appears to simply re-organise the existing policy wording. However, while it retains the 'not cause substantial harm to openness' test, which is subjective, but removes the 'no greater impact on openness' test, which is capable of objective assessment. This is likely to lead to much debate as to whether a proposal is inappropriate development or not without further guidance.

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

No. Glasshouses are, and will increasingly be, significant contributors to food production and food security, particularly since they are suitable for innovations such as vertical growing techniques. They should remain firmly within the agricultural land definition and excluded from PDL. Otherwise, the redevelopment of glasshouse areas would be prioritised under the new proposals. The resulting uplift in land value would be far too tempting, it would be impossible to ensure otherwise.

It is not clear whether the reference to hardstandings is to agricultural hardstanding or more generally. If agricultural, they service and support farming enterprise and should remain in the definition. If otherwise, for the most part hardstandings are open and contribute to Green Belt openness, the most important attribute. They should also not be included in the PDL definition.

In all instances, development of such areas could lead to sporadic, unserviced, isolated and unsustainable development.

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

No. While PDL can be reasonably well-defined, the level to which a parcel of land contributes to Green Belt purposes is highly subjective and would lead to more wasted appeal inquiry debate. The pre-election publicity given to the possibility of 'grey belt' centred on areas of poor landscape or visual amenity value, neither of which are relevant to Green Belt identification. Even the title 'grey belt' is intended to indicate unsightliness. At the very least, that part of the proposed definition should be omitted. The title should be dropped, perhaps reference to 'grey land' within the Green Belt would be more appropriate.

Moreover, it is unclear whether, once identified or accepted as such as a result of development proposals, whether or not grey land it would continue to be within the Green Belt.

While the consultation states that grey belt should have " ... a high sustainable development potential ..." the proposed definition does not include this requirement.

In any event, such factors can already be used when attempting to establish the very special circumstances needed where inappropriate development is proposed.

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

Intentional degradation of land is highly probable and the problems of ensuring against it have already been referred to in response to Q22. It could also encourage spurious use of agricultural development rights as already experienced for conversions of farm

buildings to dwellings. Requiring a relatively long period – say 10 years – of genuine agricultural use before alternative development is entertained may preclude such actions.

Since para 13 of the consultation says that the government wishes to continue to protect Best and Most Versatile Land, it should be excluded entirely from the scope of grey belt identification. Again, grey belt should be limited to non-agricultural PDL.

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?

If to be continued with despite the above arguments against it, strict criteria rather than debatable ‘guidance’ would be essential.

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?

Only part a) sets out considerations, part b) is a list of features to be met. As before, arriving a conclusion on either part requires subjectivity and inevitable debate. What does ‘strongly’ mean? What does ‘little’ mean?

*If retained as proposed or very similar form, part a) should be extended to include “... **either in itself or as part of a larger area**”. Moreover, it should be clarified that land which fulfils even one of the Green Belt purposes would/could result in it making a sufficient contribution to negate inclusion as grey belt.*

For part b), b)i is likely to be PDL in any event and is unnecessary to be included here. Furthermore, ‘fully enclosed built form’ could include simple wire-fenced enclosures or country estates with boundary walls enclosing large areas. This possibility should be omitted or more precisely limited and defined.

Again, the guidance does not state that development of grey belt must met sustainable objectives.

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?

The question does not appear to be limited to grey belt but the contribution of any Green Belt area to emerging LNRS should be assessed and pursued. That proposals to develop grey areas could offer opportunities for the implementation of strategies would be a material consideration in favour of development where the contribution is positive and against where potential is not achieved.

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?

No, it is the role of Local Plans to do that with public involvement. The consultation explanation of the sequential test appears incomplete. Priority should be given first to allocated sites, then to brownfield sites in urban areas, then PDL elsewhere, then PDL in Green Belts – and then other sites which fall within the extended definition (if retained), but only if sustainable. Reference to ‘low quality Green Belt’ in para 18 requires explanation and definition. If, as before, it indicates land that is unattractive but otherwise fulfils a Green Belt purpose, it is unacceptable.

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?

We agree that the function of the Green Belt should not be undermined. However, ‘fundamentally’ is ambiguous, the term ‘materially’ is in common planning use and is preferable. The phrase “... across the area of the plan as a whole” is also ambiguous.

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?

Only when housing delivery cannot be accelerated or met elsewhere, including when allocated or other suitable land is not being brought forward by the development industry, and then only in relation to PDL grey belt, with changes to the proposed definition as previously set out above and where sustainability objectives are clearly met. The very exceptional circumstances test would remain otherwise.

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?

If grey belt land is to be released for development then, in principle, it could and should be considered to also suitable to meet other development requirements as well as housing. In effect, the principles of para 89 of the current NPPF should apply, including that "... development is sensitive to its surroundings ...". That imposes difficulties in managing the impact on the openness of Green Belts when large commercial units could have a significant adverse effect beyond the immediate site. It should be made clear that factors such as height, mass and bulk will be material considerations when determining commercial applications for development on grey belt land. Since openness is the most important attribute of Green Belts, its appreciation because of, for instance, interrupted views should be taken into account. The 'no greater impact' test in the current NPPF (para 154g) should be retained.

Previous comments concerning grey belt being limited to PDL and sustainable locations continue to apply.

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?

It would appear discriminatory not to, subject to all of our previous comments.

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?

Travellers' sites are usually relatively small scale so a wholesale Green Belt Review would not be justified when Travellers' needs go unmet unless the shortfall is substantial, proportionally of a scale to unmet housing needs as outlined in para 19.

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

The proposed shift towards giving a greater emphasis to housing tenures for Social Rent is welcomed while acknowledging that local authorities are best placed to determine tenure mix based on assessed local need.

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, for consistency. However, it should be a starting point so that, as now, other factors affecting viability should also be taken into account. In addition, the Golden Rules should not be applied solely to ‘major’ developments.

The absence of a question concerning Golden Rule b. – improvements to local or national infrastructure – is glaring. Inadequate services, facilities and infrastructure is at the heart of much resistance to development proposals rather than the accusations of NIMBYism which follow. There are no effective proposals in the consultation which address the need for timely, suitable and satisfactory supporting services when development proposals are made. The current CIL process, which is an accumulative approach to contributions, is fundamentally flawed since it is too little and certainly too late to secure the school places, doctors’ surgeries, public transport and green infrastructure needed for the residents of new homes. Provision should be made for public investment in advance of, or at least in pace, with development proposals, with perhaps clawback from developers as a project is built out. New towns or large scale schemes offer greater potential for such investment and would avoid the incremental tacking on of often substantial new development to settlements ill-equipped to accommodate the resultant population growth.

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, but a balance needs to be struck between public access and nature conservation.

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, land value is a significant portion of the cost of new housing and development generally. Releasing Green Belt land will inevitably result in an uplift to the landowner

which should be a reasonable return but not to the extent that it could undermine the possible benefit of the additional land for development, particularly affordable housing. Benchmark figures should be capable of local variation in either direction and may help prevent over inflated land values.

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

The parish council is not in a position to advise on this question but clearly a balance needs to be struck between reasonable returns for landowners and public benefits through additional housing, for instance. The consultation indicates that compulsory purchase powers would have a role in the process of bringing land forward is also welcomed, although the system should be streamlined to be effective.

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?

We support this intention.

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?

A policy compliant development would, by definition, include the appropriate level of affordable housing (adapted if necessary by viability considerations) and additional contributions should not be required, although they could be negotiated if desirable.

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. Development proposals, particularly large ones, can take many years to come forward even after planning permission is granted. The factors affecting viability can

change significantly during this time – warranting adjustments to contribution levels either up or down. It is only right that the contributions are capable of being reviewed and re-assessed. A review clause should be included in the s106 Obligation (whether jointly agreed or unilateral) allowing periodic review and/or setting out the circumstances which could trigger such an exercise. Such circumstances may set locally or by government as national guidance. Proposed Annex 4, part 4 addresses the point and is supported.

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?

All forms of development either create additional pressure on public services, for instance, or offer the possibility of helping to meet local needs and objectives. Non-residential development should be required to mitigate such impacts or contribute proportionately.

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?

If the Golden Rules are justified and have a sustainable public objective, they should apply to all developments, irrespective of Green or grey belt status.

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

Annex 4: "Viability in relation to Green Belt release" sets out a reasonable approach when considering the influence of potentially excessive prices paid for land for viability assessments and subsequent decision making. This is supported.

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

We have already supported the use of Compulsory Purchase powers in response to Q38 but would stress the need for the process to be improved and streamlined to avoid the possibility that it could delay rather accelerate land being released for development.

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

The proposals in this chapter – and other proposed changes – would place a considerably increased burden on under-resourced and over-stretched local planning authorities yet to recover from previous austerity measures. Unless it has changed, exercise of planning powers has been and is in the public interest. That is only likely when adequate investment, training and opportunity is provided.

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?

This would appear to be an omission from current housing needs assessments and should be corrected. Comment on this has already been made in response to Q34.

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

Home ownership is an aspiration but it has been prioritised over homes for rent. This should be rectified but perhaps without wholesale removal of the 10% requirement.

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

Our response is similar to that to Q48. Reduction of the level of the requirement may be a more equitable response than removal.

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

An option to provide First Homes on rural exception sites (not as another variety of exception site) should be available but nevertheless the type of dwelling and tenure should be guided by assessed local housing needs.

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

Yes, such a policy should help ensure a varied community mix and avoid both the exclusion of affordable housing from some developments and the wholesale provision of affordable housing on others, as the parish is currently experiencing with Housing Association schemes. The possibility of concerns arising from the latter is recognised at para 9 of this chapter.

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

Allowing greater weight to be given to identified local housing needs in decision making, making it clear that failure to contribute an acceptable proportion of dwellings to help meet such needs would be a justifiable reason for refusing planning permission. Rural exception sites could contribute effectively and would be more acceptable to communities when controls are in place to ensure that Social Rent properties are to meet local need, such as that of the particular settlement or parish, at least for the foreseeable future.

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?

Our response to Q51 in part responds to this question. Housing management has an important role but is not a matter on which planning can effectively contribute beyond housing design, mix and layout. Good quality development should be for everyone but is not what the parish is currently experiencing with schemes proposing 100% affordable housing. The current NPPF offers appropriate guidance on, for instance, the size of rural exception sites.

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

Occupancy restrictions by planning conditions and/or s106 Obligations, such as those being considered in tourist hotspots to deter second home and tourist accommodation from dominating and distorting house prices.

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

Yes

Question 56: Do you agree with these changes?

Yes, but community led development should still be required to meet other policy requirements and the above comments concerning being provided and thereafter retained to meet genuine local need.

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?

It should specifically recognise Social Rent provision as the preferred option to accord with previous questions and proposals.

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?

This may be a consequence of the perverse process of requesting land owners to put their land forward for development rather than local planning authorities objectively searching for suitable and satisfactory locations for development. This usually is backed by housebuilders or land managers which inevitably means that only larger sites are of interest since they offer the profit margins to justify the investment required in promoting the site.

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, since the terms are ambiguous even though the intention is desirable. Even so, national design codes themselves are open to interpretation. Local codes are seldom prepared by hard pressed local planning authorities and the skill required to either give effect to or prepare such codes is scarce. The quality of Design and Access Statements required to support planning applications is often derisive, full of meaningless platitudes rather than a proper analysis of the site and its surroundings or an explanation of how the scheme responds to the analysis and policy requirements. LPAs should have the power to reject such poor submissions and not accept the application.

Having achieved an acceptably high quality scheme in terms of its design and layout, there should also be aftercare provisions in place to ensure it is thereafter retained and maintained, perhaps by requiring bonds from developers to cover the situation should they cease to exist.

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

*Yes, but only in reference to the removal of the stress placed on mansard roofs. The existing guidance that at upward extensions should “... **be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well- designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers ...**” should be strengthened and rigorously applied to avoid the creeping visual degradation of so many housing developments.*

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

The chapter relates directly to Section 12 “Achieving well-designed (and beautiful) places” of the current NPPF. Para 139 is proposed to be changed to “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”. It is suggested that the ‘and’ should be changed to ‘or’ since local design policies are not always in place.

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

Generally, yes subject to local highway, environmental and infrastructure constraints. Proposed para 85c) is a generous catch-all which virtually negates the other provisions. Who is to determine whether ‘other industries’ are important locally, regionally or nationally? It is likely that any industry would be to a greater or lesser extent?

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

As above, para 85c) appears to cover everything!

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?

Only if the intention of the NSIP process “... to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike” is met, which indications to date suggest may not be the case. Otherwise, the normal planning permission process could achieve the same ends, and at lesser public cost.

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, although the parish council is unable to suggest an appropriate threshold. Again, the normal planning permission process should otherwise apply.

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

The transitional arrangements are, for example, that local plans undergoing or about to undergo examination are to be tested against the NPPF in place during its preparation. However, where the housing need now proposed is not met at the prescribed level, immediate steps should be put in place to undertake a review. Would the same apply to data centres, gigafactories, and/or laboratories since paras 86 and 87 set out a need for local plans to identify sites?

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

The recognition of the importance public service infrastructure is welcomed. However, our response to Q35 is highly relevant:

“Inadequate services, facilities and infrastructure is at the heart of much resistance to development proposals but is far from the NIMBYism accusations which follow. There are no effective proposals in the consultation which address the timely and adequacy of supporting services when development proposals are made. The current CIL accumulative approach is fundamentally flawed since it is too little and certainly too late to secure the school places, doctors’ surgeries, improved drainage, public transport and green infrastructure needed for the residents of new homes. Provision should be made for public investment in advance of or at least in pace with development proposals, with perhaps clawback as development proceeds. New town or large scale schemes offer the potential for such investment and avoid the incremental tacking of often substantial new development on settlements ill-equipped to accommodate the resultant population growth.”

The amendment should also establish that significant weight should also be given to any deficiency or inadequacy in the availability of public service infrastructure when determining development proposals.

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

Yes, recognition of the important need to cater for the education needs of all age groups is welcomed. As with Q67, it must follow that the lack of such school places should also be a factor when determining development proposals.

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

Yes, if sustainable and zero carbon objectives are to be met. Such an approach, once government guidance expands on a ‘Vision-led’ approach should entail, could be best accommodated in future plan-led strategies for large scale development. However, in the meantime growth in car ownership and declining public transport services, particularly in rural areas, will need to be accommodated if continued congestion and poor quality, vehicle dominated housing developments are to be avoided.

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

By promoting (and subsidising) electric vehicle use to improve air quality; improving housing layouts by insisting on good pedestrian links to services to encourage walking; protect the viability of local shops to reduce car trips to superstores; providing larger gardens to allow the growing of vegetables etc; by safeguarding allotments from alternative uses and providing new ones; imposing restrictions on fast-food and other junk food outlets at a national level, particularly near schools and by protecting school sport and playing fields from being sold off for development.

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

Community organisations such as parish councils benefit from CIL contributions (via s106 Obligations) which can be used to provide locally needed facilities such as playing fields, sports and community centres, play areas and allotments. CIL funds come in dribs and drabs which often take years to assemble to a sufficient amount to provide the intended facility. In the meantime, the need for the facility has increased because of the development which generated the CIL contribution. In the meantime, the fund remains unused and vulnerable to being reclaimed. Monies destined for such projects should be capable of being ring-fenced from repayment.

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

The parish council has had no experience of proposals for wind farms. However, climate change, net-zero and energy security are issues common to all and it is sensible that all significant 'alternative' energy generating developments are dealt with by a single regime with acknowledged expertise. However, as with Q64, whether the NSIP approach is the 'most efficient' as para 3 infers is questionable. For convenience, our response was:

"Only if the intention of the NSIP process "... to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike" is met, which indications to date suggest otherwise. Otherwise, being dealt with by the normal planning permission process achieves the same ends, and at lesser public cost."

However, since such projects are considered to be nationally significant, defining suitable areas for wind energy production should be undertaken for the whole country. The use of defined 'search areas' in Wales provides useful experience of their effectiveness.

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

Existing NPPF para 163 already requires that significant weight is to be given to the benefits of renewable and low carbon energy generation. Changes to para 160b would impose a requirement for plans to identify suitable areas for such projects and for supporting infrastructure. The proposed changes are relatively modest but are agreed.

However, as with Q72, because of their limited geographical cover, local plans are not the most appropriate vehicle for identifying suitable areas, which should be done nationally or possibly regionally. Once defined, they should then be subject to scrutiny against locally relevant constraints.

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?

Whether preventative protection or some form of compensation is preferable depends on the significance of the habitat and/or the possibility of providing a satisfactory alternative habitat versus the energy contribution which the project would provide. However, in such cases it must be shown that the chosen location is essential after having exhausted all other options.

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?

Again, it is sensible that significant energy generating schemes are dealt with under a single regime with the expertise required. However, para 13 of this chapter indicates that, in the case of solar, the industry is intentionally under-sizing capacity projects to avoid the NSIP process because of the increased cost and timelines involved. If so, that contradicts previous suggestions that the NSIP route is the most efficient (Q72). Increasing the threshold would allow larger schemes to be dealt with by LPAs, if

adequately resourced. The proposed change also recognises that the technology has improved considerably since the threshold was first set such that energy production has significantly increased for similarly sized schemes.

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?

Our response to Q75 applies.

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

Not applicable.

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

By placing substantially greater weight on the need to retain hedges, trees, woodland and forests in plan making and decisions. There should be an assumption against development which harmfully depletes such cover or fails to provide sufficient Green Infrastructure or disrupts Green Corridors and LNRS.

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?

We do not feel able to comment meaningfully on this matter.

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

The existing hierarchy of flood risk area assessment is adequate if agencies, developers and LPAs apply it consistently, as they should. The NPPF should emphasise that great weight should be given to flood risk when considering development proposals with an assumption that vulnerable development, in particular, will not be permitted in areas of greatest risk. Current para 168, for instance, states

“ Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.”

The ‘if’ implies that circumstances might exist where it would be allowed. The Exception Test also allows development in high risk areas. The weather extremes now being experienced require these exceptions to be reconsidered.

Moreover, where mitigation measures are proposed to control the rate of run-off following development, such as SUDs, the test should not simply whether it is no worse than currently but should include a betterment factor to account for anticipated effects of climate change. This principle is recognised in current para 167d).

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

No

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

No, it would be preferable to retain the increased obligation to consider BMV but offer guidance on the weight it should be given in regard, for instance, to ensuring food security.

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

Do not include glasshouses in the definition of PDL, as responded at Q25.

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?

A strategic approach to water resources should be given as equal significance as energy generation and food production, but we have already cast doubt on whether the NSIP regime offers the most efficient pathway. Subject to scale, national or regional water resource provision, such as reservoirs, could lend themselves to it but otherwise the development plan system should deal with more localised provision.

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

No

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

The need for early – or preferably prior - provision of services and infrastructure to support development proposals, particularly in rural areas already experiencing inadequacies has already been made but cannot be overstated.

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

This is not a matter on which the parish council has a preferred option. However, the need for full coverage of up to date local plans to safeguard local community interests in a managed fashion is self-evident so that we support default provisions where necessary to ensure they are progressed to a conclusion.

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

As for Q87.

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

This is a matter of balance between recouping the cost of the service and recognising that planning is to serve the public interest and should be met at public expense. In addition, it should not be so large that it would deter house extensions when it is the only viable option to provide additional space rather than moving house. The fee should be proportionate, we are unable to comment on whether the figure stated would be.

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.

As for Q89.

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

Not applicable.

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?

Don't know, for reasons given in Q89.

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

Not applicable

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

The parish council is not in a position to contribute meaningfully to this question.

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

The parish council is not in a position to contribute meaningfully to this question but would comment that where planning legislation places particular obligations on owners in the interest of public amenity, such as for listed buildings and protected trees, they

should not be required to carry additional cost as a result of the need to seek consent for controlled works.

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

Please give your reasons in the text box below.

Yes, with the need for accountability firmly in place.

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

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

- Please give your reasons in the text box below:

There should be a base level onto which extraordinary, justified local additional costs could be added.

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

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?

Not applicable

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?

The parish council is not in a position to contribute meaningfully to this question.

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?

The parish council is not in a position to contribute meaningfully to this question.

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.

Not applicable.

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

The parish council is not in a position to contribute meaningfully to this question.

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.

The parish council is not in a position to contribute meaningfully to this question.

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

No.

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

For the most part, yes. However, further clarity is required in respect of local plans which have passed Reg19 stage and are awaiting examination as with the South Worcestershire Development Plan Review. It is correct to allow it to be examined against the version of the NPPF in place during its preparation otherwise the time, expense and public involvement would be wasted. Since its proposed annual housing delivery is more than 200 dwellings adrift from that assessed under the proposed Standard Method a further, immediate review would be required. It is not clear what status the newly examined plan would have. Would it be adopted and attract weight accordingly or would it be immediately out of date and the presumption in favour of sustainable development take precedence?

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

As the response to the previous question.

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

No, other than provide the clarity required in response to Q104.

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

No.