



Celebrating 50 years

The Rt Hon Angela Rayner MP,  
Deputy Prime Minister & Secretary  
of State for Levelling Up, Housing  
and Communities

Contact: Debbie Coates, Principal  
Strategic Planning Officer  
Direct Dial No: 01462 474353  
E-mail: [Deborah.coates@north-herts.gov.uk](mailto:Deborah.coates@north-herts.gov.uk)

c/o Planning Policy Consultation  
Team, MHCLG

By email only

24 September 2024

Dear Sir/Madam

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

Thank you for consulting us on your proposed reforms to the NPPF and other changes to the planning system. We have considered your proposals.

This raises a number of issues that were comprehensively debated at our Full Council meeting of Thursday 19 September 2024 in response to questions and motions submitted for consideration by local Councillors.

As part of the consultation, the Government announced not only would it be re-introducing mandatory housing targets for Local Authorities, but that it would increase overall targets from 300,000 new homes per annum to approximately 370,000 per annum.

Under the Government's proposed new method announced as part of changes to the National Planning Policy Framework, North Hertfordshire will be required to build 992 new homes per year, representing an increase of 9%.

Neighbouring authority Luton will see its housing target reduced by 22%, and as a result of the Government removing the urban uplift, major cities such as London, Liverpool and Birmingham will all see a reduction in their housing targets by up to 31%.

Following the adoption of the North Hertfordshire Local Plan in November 2022, 47% of land within the district is designated as Green Belt. The reforms of which are proposed by the Government will weaken protections for Green Belt land, and could result in inappropriate development taking place within the district, particularly in and around our rural communities.

As a result of our Local Plan having recently been adopted, North Hertfordshire currently does not need to provide evidence of a five-year housing land supply in accordance with the 2023 NPPF. However, the Government is proposing to remove this element of the 2023 NPPF, which means that should this proposed change come into force there would be a presumption in favour of sustainable development through the decision-making mechanism. The loss of this protection

increases the likelihood of approval for major developments proposed within the district on sites not identified in the Local Plan.

Despite the existence of unimplemented planning permission to build more than a million homes across England, the current government, like its predecessor, believes that making it easier for developers to get planning permission is the way to increase the availability of affordable housing. The council believes that increasing numbers of permissions, rather than focusing on building the right housing in the locations which are already identified for development will boost developers profits, rather than meeting the needs for affordable housing. It also notes that the government's proposed changes to the NPPF would make it easier for developers in North Herts to obtain planning permission on speculative sites, including those in parts of the Green Belt

The Government has also stated its ambition to build "a new generation of new towns" which will comprise of at least 10,000 homes. In order to identify potential locations for these 'new towns' a New Towns Taskforce has been created within the Ministry of Housing Communities and Local Government

In response to these matters, Council resolved that we should call on the Government to:

1. Not increase the Housing Target for North Hertfordshire.
2. Restore the Urban Uplift, ensuring cities and urban areas take their fair share of housing development, particularly as many of these areas already have the infrastructure to support additional development.
3. Ensure infrastructure to support approved development is built prior to houses, thereby reducing the negative impact of development on existing communities, and ensuring local infrastructure is ready to provide for residents moving into new homes.
4. Adopt a brownfield first approach to development, and provide greater protection for green belt land in North Hertfordshire.
5. Not to amend paragraph 11(d) of the 2023 NPPF, which currently provides protection for North Hertfordshire as a local authority that has recently adopted a local plan but does not have a five-year housing land supply.
6. Strengthen the rights of local residents to ensure they have a meaningful say when development is proposed within their communities.
7. Not remove the emphasis and focus on 'beauty' and 'beautiful design' from the National Planning Policy Framework.
8. Meaningfully engage with Local Planning Authorities on the New Town Scheme and – where proposed sites are put forward within an area – ensure that plans have local consent and that sufficient additional funding is in place to support already-stretched planning departments.
9. Actively pursue reforms designed to ensure that a far greater proportion of planning applications – which continue to be approved under the existing policy framework – are actually built out by developers in a timely manner, recognising that this is the most effective way of meeting the Government's stated objectives.
10. Adopt a strategy that will prioritise increasing delivery of affordable housing with appropriate infrastructure and to prioritise giving more power to councils to build housing, in particular social and affordable housing.

We recognise that Point (8) above is not being directly consulted upon as part of the NPPF consultation. However it is of relevance to your consideration of future strategic planning arrangements.

Officers of the Council have additionally prepared technical responses to many of the detailed questions contained in the consultation. These are set out in the attached Appendix alongside

the resolutions of the Council set out above. Officer comments reflect their objective, professional opinions and expertise on these matters. These should be taken into consideration recognising that, where comments relate to matters other than those set out above, these are not presently formally endorsed positions of the Council.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Allen', written over a horizontal line.

Cllr Daniel Allen  
Leader and interim Executive Member for Planning & Transport  
North Hertfordshire District Council

A handwritten signature in black ink, appearing to read 'V. A. Bryant', written in a cursive style.

Cllr Val Bryant  
Deputy Leader  
North Hertfordshire District Council

## **Appendix 1: Technical officer comments**

### **Planning for the homes we need**

#### **Advisory starting point and alternative approaches**

##### **Question 1**

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

*Subject to the Council's overarching view on the District's housing target below, we do agree with the changes proposed in paragraph 61 as this provides clarity on the expected starting point for plan-making. It removes costly debate through evidence studies, committees and examination.*

*There is reasonable allowance made for Local Authorities to justify a lower housing requirement on the basis of local constraints such as protected habitats, Areas of Outstanding Natural Beauty\* and flood risk areas. However, this relationship with Paragraph 11 should be made more explicit within paragraph 61 for the avoidance of doubt.*

*\*We note that the 'track change' text does not update reference to AONBs to their new title of National Landscapes.*

##### **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?

*Subject to the Council's overarching view on the District's housing target below, we do agree that reference to the use of alternative approaches to assessing housing need should be removed from paragraph 61 and the glossary of the NPPF.*

#### **Urban uplift**

##### **Question 3**

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

*No. Please see covering letter – The Council resolved this change should not be made.*

#### **Character and density**

##### **Question 4**

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

*Paragraph 130 should not be deleted in its entirety. It is our understanding that the intention of this policy is to take local character into account when considering the ability to meet housing needs.*

*In the case of North Herts, there will be instances within the District where local character would not necessarily lend itself to the introduction of significantly higher density housing and we would want to ensure that we are able to protect this and / or that the preceding paragraphs are not interpreted as overriding advice on high-quality design.*

## **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?

*No. Local authorities should retain flexibility to code for the key planning issues in their area. Although this should include an overarching vision for design and set out approaches to strategic-scale development, authorities should also have discretion to code for detailed matters that address frequently-recurring design problems such as bin storage or parking.*

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

### **Question 6**

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

*Please see covering letter – The Council resolved this change should not be made.*

*We are concerned that this will lead to inappropriate development in less sustainable areas of the District. The additional wording in 11(d)(ii) may be taken as an inference that other 'adverse impacts' are of lesser importance.*

*Our concerns in relation to when the presumption may be triggered are set out below.*

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

### **Question 7**

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

*Please see covering letter – The Council resolved this change should not be made.*

*In North Herts, whilst we have an up-to-date Local Plan, development is back loaded due to the number of large, strategic sites that have been allocated. Significant work is ongoing to deliver these and address the complexities that inevitably arise in such projects. The Council should not be penalised for implementing a plan-led strategy.*

*The removal of the provisions afforded to us in paragraph 76 of the current 2023 NPPF would leave the Council vulnerable to speculative and potentially low-quality housing development throughout the District.*

*The protection afforded by the current policy allows under-resourced authorities to focus upon and prioritise implementation of their approved strategy. The proposed changes would lead to potentially unreasonable additional burdens where officers and Councillors seeking to implement recently-adopted Plans would also be required to assess additional applications and potentially defend any associated appeals.*

### **Question 8**

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

*No comment*

## **Restoring the 5% buffer**

### **Question 9**

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

*No comment*

### **Question 10**

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

*Should a buffer be introduced, we believe that 5% is appropriate; an alternative figure should not be considered.*

### **Question 11**

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

*If Annual Position Statements have been little used, then we do not see the relevance in keeping them. The deadlines for notification of an Annual Position Statement deterred use as it was necessary to decide whether to commit significant resource to this process before it could be clearly determined whether this was effective or necessary.*

## **Maintaining effective co-operation and the move to strategic planning**

### **Question 12**

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

*Please see covering letter – The Council resolved that the NPPF should strengthen the rights of local residents to ensure they have a meaningful say when development is proposed within their communities, meaningfully engage with Local Planning Authorities on the New Town Scheme and – where proposed sites are put forward within an area – ensure that plans have local consent and that sufficient additional funding is in place to support already-stretched planning departments*

*We support the general principles proposed in paragraphs 24 – 27 to further support effective co-operation on cross boundary and strategic planning matters. However, it is important that the requirement remains that local planning authorities have a duty to co-operate and not a duty to agree.*

*Any proposals around strategic planning should be subject to further consultation and ensure that District local planning authorities retain a key role and influence over decisions that fundamentally impact upon their local areas.*

*Local Nature Recovery Strategies (LNRS) and Nature Recovery Networks should also be considered here. DEFRA have made clear to Responsible Authorities (RAs) that cross-boundary co-operation was essential in delivery of a Nature Recovery Network, to the extent that neighbouring RAs are considered as supporting authorities, the agreement of which is needed in order to publish an LNRS.*

### **Question 13**

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

*Yes. The tests should be proportionate to the level of detail, evidence and certainty that can realistically be expected of a scheme at the point of examination. In broad terms a higher bar should apply to schemes that can be realised in the short-term and a lower bar to schemes, or later phases of schemes, that are not expected to arise until the end of, or extend beyond, the plan period.*

### **Question 14**

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

*No.*

## **A new Standard Method for assessing housing needs**

### **Question 15**

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

*See covering letter - The Council resolved that the changes should not increase the housing target for North Hertfordshire*

### **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?

*See covering letter - The Council resolved that the changes should not increase the housing target for North Hertfordshire*

### **Question 17**

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

*See covering letter - The Council resolved that the changes should not increase the housing target for North Hertfordshire*

### **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?

*See covering letter - The Council resolved that the changes should not increase the housing target for North Hertfordshire*

## **Result of the revised standard method**

### **Question 19**

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

*Please see covering letter – The Council resolved that the changes should not increase the housing target for North Hertfordshire.*

## **Brownfield, grey belt and the Green Belt**

### **Being clear that brownfield development is acceptable in principle**

#### **Question 20**

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

*Please see covering letter – The Council resolved that Government should adopt a brownfield first approach to development.*

*We do agree with the proposed changes to paragraph 124c on the understanding that, as drafted, the principle will apply to “**suitable** brownfield sites” retaining authorities’ discretion on ‘unsuitable’ sites.*

*The proposal should not be to the detriment of groundwater pollution. Some sites simply are beyond remediation without considerable financial input, such as that seen at the Olympic 2012 redevelopment of East London with an onsite soil hospital. The level of contamination of some brownfield sites will simply make them unviable to development. Grants should be available to developers to appropriately remediate contaminated sites. Consequently, developers should agree to provide an appropriate level of affordable housing and community infrastructure in exchange for assistance in the remediation of the site. This should only be available on the most contaminated sites in order to bring them back into functional and safe land use.*

### **Making it easier to develop Previously Developed Land**

#### **Question 21**

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

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*We do not agree with the proposed change to paragraph 154g; the openness of Green Belt is one of its fundamental principles. Changing the test from ‘no greater impact’ to ‘not cause substantial harm’ without any further requirements is a significant loosening of criteria that could lead to more intensive forms of development in sensitive areas. If this change is to be pursued, the wording ‘and contribute to meeting an identified affordable housing need within the area of the local planning authority’ should be kept to reflect the ‘golden rules’.*

#### **Question 22**

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

*Please see covering letter – The Council resolved that Government should adopt a brownfield first approach to development.*

*We agree that the definition of PDL could be expanded to include hardstanding in certain circumstances. However, any change should be closely defined to exclude e.g. agricultural hardstanding (or hardstanding in unsuitable locations for development – recognising the*



*proposed Grey Belt provisions at 152(a)) and / or to prevent abuse of permitted development rights to create areas of hardstanding that then benefit from future policy support for development.*

*We would not want to see glasshouses included to ensure the development and maintenance of glasshouses for horticultural production is retained.*

## **Defining the grey belt**

### **Question 23**

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

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*If Government is minded to implement these proposals, the following should be taken into account.*

*This area of proposed policy appears to conflate and confuse the visual and land use ‘quality’ of land within the Green Belt with the ‘quality’ of that land in meeting the policy objectives and purposes of Green Belt.*

*The definition should be more precise; rather than referring to paragraphs and footnotes, the purposes and areas or assets of particular importance should be set out clearly and in full for the avoidance of doubt.*

*Some form of threshold should be applied either to the site size of the piece of land that is intended to be released or the size of parcels that a LPA should designate as Grey Belt. Standardising the approach to parcel assessment size and/or the size of development parcels within Grey Belt may help.*

*To ensure consistency with the co-ordinated approach to LNRS being sought by DEFRA, Local Nature Reserves and Local Wildlife Sites should be included within the list of additional exclusions. The spatial extent of Grey Belt should remain dynamic such that land which is identified as (e.g.) a Local Nature Reserve or Local Wildlife Site following any formal designation of land as ‘Grey Belt’ enjoys equivalent protections or is then deemed excluded.*

*There is a lack of clarity as to how wider considerations, such as Best and Most Versatile agricultural land, are incorporated when considering the definition of grey belt in the plan-making and decision-making processes. Are such considerations within the remit of considering whether such land is in a ‘sustainable location’ in proposed paragraph 152? Or is the assessment of sustainability intended to focus upon the credentials of that land in relation to proposed development e.g. transport accessibility. See, by contrast, the unamended text in relation to ‘very special circumstances’ which explicitly refers to consideration of ‘other harms’ making clear that a decision-maker can have regard to relevant wider factors.*

*There is an inherent tension in the definition and associated policy. Green Belt performing a ‘limited’ function is, in general terms, more likely to encompass land away from existing towns and settlements i.e. in less sustainable locations.*

*The Green Belt studies accompanying our adopted Local Plan, and the evidence supporting the release of sites from the Green Belt for allocation recognised it was broadly axiomatic the most sustainable locations are normally those performing the most significant Green Belt functions as*

*they are on the edge of existing larger settlements thereby prevent encroachment into the countryside and / or merging of towns.*

*Without clearer definitions and parameters this will be an area of costly and time-consuming debate through examinations, appeals and court cases.*

#### **Question 24**

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

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*If Government is minded to implement these proposals, the following should be taken into account.*

*Green Belt is a policy designation rather than explicitly considering the condition of any site on the ground. It is hard to see how a landowner might go about deliberately degrading the Green Belt credentials of a piece of land. Most measures that would impact upon openness would require permission; the contributions of a site to Green Belt purposes is largely determined by its spatial location – it can't be picked up and moved.*

*There may be benefit in considering the significance of adjoining land in the Green Belt when determining parcels or sites that are being assessed for grey belt. That is to say, would it be at odds to have grey belt development in a parcel of land that is adjacent to land that makes a very significant contribution to the Green Belt.*

#### **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?

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*If this proposal is to be implemented, it would be very useful to set out clear and concise guidance that assists in identifying land which makes a limited contribution to Green Belt purposes. This should set out all the factors that are considered under paragraph 140 and footnote 7 and any other relevant factors that should be considered when assessing parcels. The availability of these factors in digital format for GIS purposes should also be clearly available on a country-wide basis. MAGIC Maps provides some of this information, but it would be helpful for the labelling of this data to match and reflect 'areas or assets of particular importance'.*

*It would be most appropriate to include this in a PPG rather than in the NPPF itself.*

#### **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?

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*If implemented, this needs further work.*

*(a) appears fairly self-evident in stating land which makes a limited contribution to Green Belt is not land which makes a strong contribution to Green Belt purpose.*

*Elements of (b) are confusing as it partially incorporates matters which directly relate to Green Belt purposes. These would also be taken into account in considering criterion (a).*

*(b)(iv) on historic towns could be open to interpretation.*

*North Hertfordshire's Green Belt adjoins the historic market town of Hitchin, the world's First Garden City at Letchworth and the country's first designated New Town at Stevenage. However, like many towns, the historic value of these settlements is concentrated around the core whilst land adjoining the Green Belt is often occupied by later-20<sup>th</sup> century and 21<sup>st</sup> century development. There is often limited intervisibility between the Green Belt and the historic core. Any role in relation to the 'setting' of these historic towns is arguably more conceptual in nature.*

*This is reflected in the approach to assessing this criterion in various Green Belt studies supporting Local Plan examinations where there is some inconsistency in how Green Belt land is assessed as contributing to this purpose.*

*If an appeal or court determines Green Belt land of this nature does not contribute to this criterion, then any Green Belt site within our District could potentially satisfy the requirement to meet (only) "at least one" of the relevant criteria under (b).*

## **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?

*Existing NPPF paragraph 147 sets out that (emphasis added) once defined, opportunities should be sought to enhance the beneficial use of Green Belt. This relationship should be maintained to ensure the role of Green Belt as a policy designation is not (further) confused or undermined.*

*LNRSs were never intended to be used in a planning context beyond guiding opportunities for nature recovery and informing strategic significance. LNRSs are expected to be reviewed every 3-10 years and with this mapping will be updated to include areas where action for nature recovery has taken place.*

*If there is overlap between land designated as Green Belt and land identified in the LNRS then that is to the mutual benefit of the respective aim, policies and objectives.*

## **Land release through plan-making**

### **Question 28**

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

*Please see covering letter – The Council resolved that Government should adopt a brownfield first approach to development and provide greater protection for green belt land in North Hertfordshire.*

*If implemented, a graphic illustrating the sequential approach to development would be useful; demonstrating that (within the Green Belt) PDL should always be prioritised, then Grey Belt, then the next lowest value Green Belt land, and so on.*

*This could then fit neatly into another graphic elsewhere in the Framework that shows the overall approach to land development i.e. Brownfield first approach. This would ensure, for the avoidance of doubt, that the reader is clear as to the approach to development across England.*

*There should be appropriate safeguards – through (e.g.) PPG, guidance to Inspectors, the proposed ‘gateway’ assessments for Local Plans (if introduced) – to ensure proper application of any policy requirements.*

*As per our answer to Q23, in highly constrained authorities such as North Herts, some of the most sustainable locations for development can also be in those areas that perform more significantly against Green Belt purposes. Notwithstanding the Council’s position, should the Government proceed with the proposals this should be taken into account.*

## **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?

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*If Government is minded to implement these proposals, a statement to this effect would appear to be an effective position on the understanding that the ‘fundamental function’ of the Green Belt is seen as being the essential characteristics and purposes currently set out in NPPF. Any alternate view on this should be made clear and subject to further consultation.*

## **Allowing Development on the Green Belt through Decision Making**

### **Question 30**

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

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*It is a concern that, if implemented, this will lead to a piece-meal release of individual sites within areas of Green Belt that have not been properly assessed as part of a strategic, plan-led review.*

*It will lead to applicants seeking to demonstrate their site meets the relevant ‘grey belt’ criteria through ad-hoc assessments where there is a clear incentive to reach a certain conclusion to circumvent the usual test of Very Special Circumstances.*

*It is difficult to see how this would be managed. It will likely lead to appeals that will prove costly to both the LPA and the developer. Clarity would be required on whether this proposal only applied to ‘bricks and mortar’ housing or if it incorporated Gypsy and Traveller provision too. In this case, would a failure to demonstrate a five-year supply obviate any requirement to prove need? More guidance on this is needed.*

## **Supporting release of Green Belt land for commercial and other development.**

### **Question 31**

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

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*If Government is minded to implement this proposal, the following should be taken into account.*

*Our reading of the draft text is that Grey Belt would be a ‘subset’ of Green Belt and, therefore, in plan-making terms any proposals for release would remain captured by the overarching requirement to demonstrate Exceptional Circumstances through the examination process. In this regard, the additional wording would codify the broad approach that has now been taken in a number of examinations.*

*The concerns over definition of Grey Belt, unintended consequences etc. set out in our answers to the housing questions apply equally to commercial and other development needs.*

*More detail is needed for the term ‘other development’; what exactly do you mean by this and in what instances do you think it would lead to the need to deliver the social and green infrastructure that you refer to?*

*It is questionable whether it would always be desirable from a place-making or sustainability point of view to encourage publicly accessible green space as part of a grey belt commercial or ‘other’ development, particularly if it would induce additional trips. In this scenario, it would be necessary to deliver improvements to existing green space to satisfy the ‘golden rules’. This feels like a stretch against the legal tests for developer contributions.*

## **Planning Policy for Traveller Sites**

### **Question 32**

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

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*As with our response to question 30, there is concern that the proposals could result in a piecemeal approach to the release of small sites in the Green Belt through decision-making, thereby undermining the overall value of Green Belt parcels.*

*Some form of threshold should be applied either to the site size of the piece of land that is intended to be released or the size of parcels that a LPA should designate as Grey Belt. Standardising the approach to parcel assessment size and/or the size of development parcels within Grey Belt may help.*

*See also our response to the definition of PDL*

### **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?

*No.*

## **Delivering affordable housing**

### **Question 34**

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

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*If Government is minded to proceed with this proposal, the caveat of viability should be removed from the golden rules and Annex 4 removed. Viability is covered elsewhere in the NPPF and PPG and should apply equally and consistently to all forms and locations of development. With the exception of the benchmark land value proposal (see below and if proceeded with), there is no particular reason to explicitly highlight it or create bespoke rules in relation to Green Belt.*

*Landowners and developers should take account of likely national and local policy requirements in agreeing the price of land.*

### **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?

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*If this proposal is implemented, and as set out above, there is general viability advice in the NPPF that should be applied as necessary in decision-making. Relevant policy requirements should be appropriately tested through the plan-making process. This provides the opportunity to establish any locally-derived variation from national policy.*

## **Delivering improved public access to green space**

### **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?

*We do agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs, however, we do feel that this should be strengthened and further guidance provided on the expected quality of green space in addition to area. Nature can provide many ecosystem services so to ensure benefits are maximised the types of green space and how these are provided should be informed by local conditions and need, so delivering a variety of natural spaces and opportunities for people to connect with nature.*

## **Green Belt land and Benchmark Land Values**

### **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?

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*Notwithstanding, if this proposal is implemented it would go some way to according with the Council's view that Government should prioritise increased delivery of affordable housing. It*

would ensure a greater share of land-value uplift can be captured by the planning system and to provide consistency. However, further detail is required.

The consequences of this approach for land beyond the Green Belt, and authorities who contain a mix of land within and beyond the Green Belt should be considered carefully. Rural areas beyond the Green Belt are generally characterised by more dispersed settlement patterns and less sustainable locations

The benchmarking proposals are restricted to Green Belt. This could create a two-tier land market with unregulated land values in rural areas beyond the Green Belt. This could distort land availability within local planning authority areas to the detriment of good planning.

The interaction of these proposals with the requirement for local plans to demonstrate that sites are “available” and overall spatial strategies are “deliverable” needs to be clarified.

### **Question 38**

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

*No comment*

### **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?

*Please see covering letter – The Council resolved that Government should provide greater protection for green belt land in North Hertfordshire.*

*If implemented, we agree that any decision to pay above ‘market value’ (or a state-set BMV) is a risk taken by the developer / applicant that should not be allowed to result in a lower delivery of the requirements for such sites.*

### **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?

*This question is posed in relation to Green Belt release where the Golden Rules would require delivery of 50% affordable housing. This is higher than standard, policy-led affordable housing requirements in most areas outside London. If the Government is to seek to regulate or capture land value it needs to clearly articulate what outcomes it is seeking to deliver with that value.*

### **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. We support the principle of viability reviews in our adopted Developer Contributions SPD.*

### **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?

*See response to question 31*

### **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?

*We believe that these golden rules should apply to draft plans at Reg 18 stage and onwards from the point at which the proposed NPPF 2024 is adopted as national policy. This would account for the stage at which LPAs have already reached in the plan-making process.*

### **Question 44**

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

*See previous answers.*

### **Question 45**

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

*The interaction of these proposals with the requirement for local plans to demonstrate that sites and overall spatial strategies are deliverable needs to be clarified.*

### **Question 46**

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

*There is a historic legacy of Green Belt policy containing double negative phraseology such as 'development in the Green Belt should not be regarded as inappropriate where...';*

*There is an opportunity to simplify this to 'development in the Green Belt should be regarded appropriate in principle where...'? This is evident in a number of other areas of the NPPF and should be positively phrased for the purposes of plain English.*

## **Delivering affordable, well-designed homes and places**

### **Delivering the right mix of affordable housing**

#### **Question 47**

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

*Yes. This reflects the approach in our current Local Plan.*

*The needs of those requiring Social Rent should be considered to ensure the provision of affordable housing that is genuinely affordable. Housing affordability is a significant issue in the District. The ratios of house prices to earnings are at the highest levels ever recorded. Even with discounts many intermediate products remain difficult to afford for many households. Our 2016 and 2023 SHMAs show that Affordable Rents for 3 bed homes need to be capped at 70% of local market rents and 4+ bed homes should already be charged at Social Rents to be affordable. The 2023 SHMA identified a need for 65% of overall AH provision should be for Social Rent. We are finding that Affordable Rents for one and two bed homes are no longer affordable for many people and increasing numbers of nominations rejected by registered providers due to concerns over households' ability to afford properties*



#### **Question 48**

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

*Yes. The targets in our Plan significantly exceed this. As above housing affordability is a significant issue in the District and much affordable home ownership is just not affordable for local people in our area and registered providers require us to amend planning obligations to allow sales to applicants outside of our area. This does not meet our housing needs and there is a greater demand for rented accommodation*

#### **Question 49**

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

*Yes. We do not believe First Homes meets the needs of local residents and have concerns about the genuine affordability of this product and the potential affect in the delivery of other forms of affordable housing in particular rented homes. For example the provision of smaller (1- and 2-bed) units are likely to be the most attractive option for developers to provide as First Homes but these are the unit types where there is the most pressing need to secure affordable homes for rent. The 2023 SHMA provides evidence for a 50% discount. In our experience developers are not keen to deliver First Homes in the district.*

#### **Question 50**

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

*Yes. Rural/parish housing needs surveys undertaken usually show high housing need/ demand for rented accommodation and that even when there is a desire for affordable home ownership products they are not affordable for local people and therefore don't meet our housing needs.*

#### **Promoting mixed tenure development**

##### **Question 51**

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

*We do support a policy to promote developments that have a mix of tenures and types, but these should be tenure neutral and indistinguishable from private tenures to ensure integration across a development site. Policy needs to support this integrated distribution in absolute terms.*

#### **Supporting majority affordable housing developments**

##### **Question 52**

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

*Grant funding is the only way to promote high percentage Social Rent/ affordable housing developments and/ or free land where it is not already owned by the registered provider.*

##### **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?

*This depends on location, facilities, etc. If you have a mixed tenure scheme with rented homes and genuinely affordable home ownership around a neighbourhood hub this could work well or provision of an older persons flexicare scheme.*

#### **Question 54**

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

*Commit/ increase funding for organisations and rural housing enablers to promote and undertake rural/ parish housing needs surveys to identify housing need in rural areas. Parish councillors are often more supportive if such surveys are undertaken by an independent organisation. Grant funding to support delivery.*

#### **Meeting the needs of looked after children**

#### **Question 55**

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

*Yes. We are exploring ideas with Hertfordshire County Council on intergenerational and multigenerational housing can support children in foster care and senior loneliness which are big issues in the county and society.*

#### **Strengthening support for community-led development**

#### **Question 56**

Do you agree with these changes?

*See answer to question 54 above. Well-funded Community Led housing hubs and advisors can help support, promote and guide delivery of community led housing and offer specialist advice.*

#### **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?

*The definition of Affordable Rent is misleading as not necessarily affordable. Maybe a clearer explanation of what Social Rent, Affordable Rent and Affordable Private Rents are.*

#### **Making the small site allocation mandatory**

#### **Question 58**

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

*Small sites delivered by SMEs are generally infill developments or small expansions of settlements that can be delivered through the Development Management process.*

*Your consultation notes that agility is a key requirement of SMEs. The Local Plan process is not agile. There is limited incentive to engage with a lengthy process to secure allocations for relatively modest numbers of units.*

*Government should not assume that a failure to secure a proportion of allocations in Local Plans represents a failure for this sector.*

#### **Requiring "well designed" development**

#### **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?

*Please see covering letter – The Council resolved that Government should not remove the emphasis and focus on beauty and beautiful design.*

### **Supporting upward extensions**

#### **Question 60**

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

*Yes.*

#### **Question 61**

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

*No, none.*

### **Building infrastructure to grow the economy**

#### **Building a modern economy**

#### **Question 62**

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

*Yes.*

#### **Question 63**

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

*No Comment*

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

#### **Question 64**

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

*Yes*

#### **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?

*No comment*

#### **Question 66**

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

*No.*

## **Delivering community needs**

### **Question 67**

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

Yes.

### **Question 68**

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

Yes.

## **A 'vision-led' approach to transport planning**

### **Question 69**

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

*No. The commentary on the revisions to paragraphs 114 and 115 is a welcome, positive and long overdue step forward for transport planning. However, there is a risk that the new policy wording weakens LPAs' powers to resist poor applications.*

*There are not yet generally agreed methodologies for taking a "vision led approach". The guidance accompanying the NPPF will need to provide explanation and pointers to ensure this is interpreted as intended.*

*The definition for "Sustainable Transport Modes", provided in Annex 2: Glossary of the NPPF, includes "ultra-low and zero emission vehicles" and does not set out a hierarchy of sustainable modes. The government's transport policies, set out in Gear Change and Decarbonising Transport emphasise the primary importance of active travel, which the revised NPPF should reflect:*

*[The National Model Design Code] outlines an expectation that development should consist of a well-connected network of streets with good public transport and an emphasis on active travel modes including walking and cycling. (Decarbonising Transport, 2021)*

*We want new developments to be easily and safely accessible and navigable by foot and bike, and to make existing cycling and walking provision better. (Gear Change, 2020)*

*It should be noted that the updated Manual for Streets, referred to in Decarbonising Transport in 2021, has still not been published.*

*To achieve good planning outcomes, in addition to having a policy-compliant vision for sustainable development, it is also necessary to deliver supportive interventions: for transport, that means new and upgraded infrastructure for walking, cycling and bus priority, on-site and off-site; new and revised bus services; provision of club cars; people-centred and permeable urban design; well-design parking provision; ready access to timely and accurate information about sustainable travel options; service level agreements for public transport to ensure reliability and long-term dependability; financial incentives for people to try alternatives to private car ownership; etc. This too needs to be articulated in NPPF policy and guidance so that national policy on spatial and transport planning is clear and consistent about what is expected of developers.*

*The introduction of the concept of scenario-testing needs explanation. The approach most commonly taken now is for the applicant to test a plausible business-as-usual traffic growth scenario using modelling inputs informed by national or local trends, and neighbouring or similar*

sites. Although this approach is flawed, it offers an objective and defensible test to justify further mitigations or refusal. The proposed revision to paragraph 115 weakens this test by permitting the applicant to test a scenario which, potentially by design, passes the test.

The onus appears to shift from the applicant needing to demonstrate that their development will not have unacceptable safety or traffic impacts, to the LPA/LHA having to demonstrate that a proposed scenario is not plausible.

Models for predicting mode shares based on sustainable transport interventions are largely experimental and typically consider only a single mode (e.g. the Propensity to Cycle Tool), and therefore cannot provide a reliable prediction of outcomes from multi-modal interventions. It is therefore unclear how an applicant will evidence the impact of the interventions they propose, or how an LPA or LHA will be able to validate the assumptions or challenge the modelled outputs.

Travel Plans will have a much more important role in terms of monitoring travel patterns and triggering further interventions where targets are missed. However, these are much more difficult to enforce than planning conditions and Section 106 and 278 agreements. This is partly because any monitoring of a site's travel patterns is influenced by background trends in the economy and social behaviours (the COVID pandemic being an extreme example). To be effective, Travel Plans require a toolbox of potential interventions that can be implemented if and when targets are missed. Funding beyond the final planning trigger is likely to require a bond. There is still a risk that an intervention held in reserve (e.g. installation of a modal filter) will meet local opposition. That may prevent its implementation, for instance if it requires a Traffic Regulation Order, which depends upon a political decision. In short, policy and guidance should strengthen the status, scope and enforceability of Travel Plans.

There is a funding/viability gap with many developments. This arises in two ways: the more fundamental gap is where the residual land value uplift (after all land, build and financing costs have been accounted for) is insufficient to deliver everything that policy demands: social, green and transport infrastructure; affordable housing; energy-efficient, low-carbon buildings, etc. A vision-led approach to sustainable transport does not overcome the fact that investment, for instance in off-site measures to create safe active travel routes, may cost far more than some tweaks to junctions to accommodate additional vehicular trips. Since the primary objective is to mitigate the impacts of development, most applicants will argue against spending more than strictly necessary.

If planners are to secure additional investment from development for sustainable transport, rather than having to trade it off against, say, affordable housing provision, then the NPPF and local policies must clearly signal that this is a requirement, not an aspiration. Only then will it be factored into the price paid for developable land. Until then, sustainable development will often require public subsidy, in the form of grants and low-interest loans (e.g. Housing Infrastructure Fund).

The other funding gap is where cash flow constraints delay delivery of sustainable transport infrastructure to a later phase of development. This means it is not available to early occupiers, who will therefore tend to acquire less sustainable travel habits, which are resistant to change and influence later occupiers' travel choices. This severely undermines efforts to achieve an ambitious vision for sustainable travel.

Finally, there is a power/deliverability gap. To create or upgrade active travel connections to a new development often requires land that is outside the control of the developer and local authorities. It may involve complex agreements with national agencies, such as Network Rail or National Highways. It may require assembly of land under multiple ownerships. Compulsory purchase may be difficult to justify because there is a Catch 22: if an application is not acceptable in planning terms without an active travel or bus connection over third party land, there is a

*'ransom' situation, which is the developer's responsibility to unlock. If the application is acceptable in planning terms without the connection, it is difficult to provide a justification for compulsory purchase. An LPA cannot reasonably condition a planning permission on delivery of infrastructure that requires 'ransomed' land (Planning Guidance paragraph 9 ref 21a-009-20140306: "[Grampian] conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.")*

*To help explain and justify the proposed changes in the NPPF around sustainable transport, and to ensure that they lead to better outcomes, perhaps MHCLG could consider the following questions:*

- a. How many applications have been successfully refused on the grounds set out in paragraph 115 (and its predecessors) in the NPPF?*
- b. How many of those applications does MHCLG believe should have been permitted (because commitments in the application to sustainable transport sufficiently mitigated additional vehicular movements)?*
- c. How many applications have seen enforcement action over failure to meet Travel Plan mode-share targets?*
- d. What does "vision-led approach" mean?*
- e. How do "scenarios" relate to the vision?*
- f. What are the mandatory ("must"), recommended ("should") and desirable ("may") parameters of a good vision for sustainable transport in a development?*
- g. How do the vision and scenarios relate to the Transport Assessment/Statement, Travel Plan and off-site transport interventions (covered by a Section 106 or 278 agreement)?*
- h. What methodologies will be recommended or accepted for testing the plausibility of scenarios, and the adequacy of the proposed interventions to achieve the tested scenario or vision?*
- i. What are best practices in the successful enforcement of Travel Plans, in particular in later years when background factors will confound the monitoring data?*
- j. How will planning powers be altered to overcome the Catch 22 of justifying compulsory purchase to create a sustainable transport connection for a development that would not be acceptable in planning terms without that connection?*
- k. What are the resource implications for LPAs and LHAs delivering, or assisting with, more complex and time-consuming off-site transport measures?*
- l. What grants are or will be made available to enable delivery of capital-intensive sustainable transport measures where these challenge the viability of development and severely compromise delivery of other policy objectives, e.g. on affordable homes?*
- m. What loan facilities are or will be made available to enable early delivery of capital-intensive sustainable transport measures that would otherwise be delayed until a significant proportion of properties had been sold?*

*Detailed suggestions for policy wording are set out below.*

**Text:** 112 (a) *A vision-led approach to promoting sustainable transport modes is taken, taking account of the type of development and its location;*

*Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra-low and zero emission vehicles, car sharing and public transport.*

**Comment:** *It is unclear what the "taking account of ..." adds to this clause. Does it mean that a vision-led approach is not always required? What alternative approach would be acceptable? Or*

does it mean that the vision-led approach should take account of circumstances? If this were omitted, would it not still be implied?

To make clearer what vision is being encouraged, we suggest the following wording:

*“A vision-led approach to promoting active travel, public transport and car-sharing over private ownership of cars, and to supporting the electrification of all road vehicles and greater efficiencies in logistics, as part of a concerted effort to decarbonise transport, improve public health and reduce social inequalities.”*

The definition of “Sustainable transport modes” could be deleted from Annex 2 as the term is used nowhere else in the NPPF.

**Text:** 112 (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.

**Comment:** It is not the vision that provides mitigation, but rather the successful delivery of supportive interventions. The LPA must consider the adequacy and deliverability of those interventions (to achieve the vision, which should be agreed with the LPA) when assessing an application or site allocation.

To make this point clearer, we suggest the following wording:

*“any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost-effectively mitigated to an acceptable degree through deliverable interventions that support an agreed vision for sustainable transport.”*

**Text:** 113. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in all tested scenarios.

**Comment:** How do “scenarios” relate to the “vision”? Scenarios are presumably meant to cover a range of probable outcomes. What if the only scenario that passes the test is one that has the lowest probability of being achieved? How low must the probability be before the LPA can defend a refusal on this ground? Is it desirable for disagreements on this point to be resolved through the courts and, once established, case law?

This crucial paragraph has always been difficult to interpret because “severe” is highly subjective and context dependent.

To overcome the subjectiveness and potential weakness of this condition, we suggest the following wording:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on safety, or the residual cumulative traffic impacts would include unacceptable and persistent increases in delays on the road network. A scenario should be tested with a central (median probability) forecast of trip generation and modal shares, based on timely provision of a set of interventions that the applicant has agreed in principle to deliver or fund. For developments likely to generate a significant number of trips, the central scenario should be sensitivity tested. If this reveals a moderate or higher risk of unacceptable impacts, additional interventions should be proposed and tested until the risk of unacceptable impacts is less than moderate. The additional interventions may be delivered conditionally as part of a monitor-and-manage protocol in the Travel Plan. Funding may be secured from the applicant by way of a bond.*

**Text:** All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

*Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.*

**Comment:** To clarify expectations and strengthen the status of travel plans, we suggest the following wording:

*“All applications for development should include at least a Transport Statement. Applications for developments that are likely to generate a significant number of trips should include a Transport Assessment and Travel Plan. The Travel Plan should set out trip and mode-share targets, interventions to meet and sustain these targets in the long term, and regular monitoring of peak and daily travel patterns. Where it is determined at paragraph 113 that additional interventions may be delivered conditionally, the Travel Plan should include a monitor-and-manage protocol with triggers for those additional interventions.*

*The definition of “Travel plan” could be deleted from Annex 2 as the term is used nowhere else in the NPPF.*

## **Promoting healthy communities**

### **Question 70**

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

*No comment*

### **Question 71**

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

*No*

## **Supporting green energy and the environment**

### **Bringing onshore wind back into the NSIP regime**

#### **Question 72**

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

*Please see covering letter – The Council resolved that Government should strengthen the rights of local residents to ensure they have a meaningful say when development is proposed within their communities.*

### **Supporting renewable deployment**

#### **Strengthening the NPPF**

#### **Question 73**

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

*The Council has declared a climate change emergency and the proposed changes to the NPPF to give greater support to renewable and low carbon energy are welcome in this regard. In particular the requirement to LPAs to identify suitable areas for renewable and low carbon energy*



*sources and supporting infrastructure will help LPAs contribute to reaching zero carbon electricity generation by 2030.*

#### **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?

*We do think that there should be additional protections in place for such habitats as those containing peat soils due to their role in carbon sequestration.*

#### **Setting the NSIP threshold for solar generating stations and onshore wind**

#### **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?

*Please see covering letter – The Council resolved that Government should strengthen the rights of local residents to ensure they have a meaningful say when development is proposed within their communities.*

*Should this change be implemented it should be accompanied by additional resources to ensure Councils have the capacity and capabilities to determine such applications.*

#### **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?

*Please see covering letter – The Council resolved that Government should strengthen the rights of local residents to ensure they have a meaningful say when development is proposed within their communities.*

*Should this change be implemented it should be accompanied by additional resources to ensure Councils have the capacity and capabilities to determine such applications.*

#### **Question 77**

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

*No comment*

#### **Tackling climate change**

#### **Question 78**

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

*No comment*

#### **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?

*No comment*

#### **Question 80**

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

*No comment*

#### **Question 81**

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

*No comment*

### **Availability of agricultural land for food production**

#### **Question 82**

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

*No comment*

#### **Question 83**

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

*No comment*

### **Supporting water resilience**

#### **Question 84**

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

*No comment*

#### **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 comment*

#### **Question 86**

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

*No comment*

### **Changes to local plan intervention criteria**

#### **Revision of the local plan intervention policy criteria**

#### **Question 87**

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

*No comment*

### **Question 88**

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

*No comment*

## **Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects**

### **Changes to planning application fees**

#### **Question 89**

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

*Yes*

#### **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.

*Not applicable*

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?

*Yes*

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

*Not applicable*

### **Proposed fee increase for other planning applications**

#### **Question 92**

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

*No comment*

### **Fees for applications where there is currently no charge**

#### **Question 93**

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

*No comment*

## **Localisation of planning application fees**

### **Question 94**

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

*No comment*

Please give your reasons in the text box below.

*No comment*

### **Question 95**

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

*No comment*

## **Increasing fees to fund wider planning services**

### **Question 96**

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

*No comment*

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?

*No comment*

### **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?

*No comment*

## **Cost recovery for local authorities related to NSIP**

### **Question 98**

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

*Yes*

### **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.

*No comment*

### **Question 100**

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

*No comment*

#### **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.

*No comment*

#### **Question 102**

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

*No comment*

### **Chapter 12 – The future of planning policy and plan making**

#### **Question 103**

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

*No comment*

#### **Further plan-making reforms**

#### **Question 104**

Do you agree with the proposed transitional arrangements?

*No comment*

#### **Future changes to the NPPF**

#### **Question 105**

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

*No comment*

### **Chapter 13 – Public Sector Equality Duty**

#### **Question 106**

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

*No comment*

