

Report to	Planning Committee
Date	12 September 2024
By	Director of Planning (Interim)
Title of Report	Proposed reforms to the National Planning Policy Framework and other changes to the planning system
Purpose of Report	For Members to agree a response to this Government consultation

Decision

Recommendation: The Committee is recommended to:

- I. Agree the consultation response as set out in this report and delegate authority to the Director of Planning to make any minor changes necessary as a result of comments at Planning Committee.**

Executive Summary

This report summarises the main proposals in the Government consultation that are relevant to this National Park and proposes responses to some of the questions. The following topics are covered:

- Housing numbers
- Strengthening the presumption in favour of sustainable development
- Maintaining effective co-operation and the move to strategic planning
- Design, density and brownfield land
- Delivering affordable housing
- Building infrastructure to grow the economy
- Community needs and promoting healthy communities
- A 'vision-led' approach to transport planning
- Supporting green energy and the environment
- Supporting water resilience
- Local Plans
- Changes to planning application fees
- Cost recovery for local authorities related to Nationally Significant Infrastructure Projects

The proposed response does not include topics or questions that are not relevant to this National Park, for instance proposed changes to Green Belt policy because there is no designated Green Belt

within the South Downs National Park. For the full consultation and supporting documents please see [Proposed reforms to the National Planning Policy Framework and other changes to the planning system](#)

Responses to the consultation need to be submitted to the Ministry of Housing, Communities and Local Government by 11:45pm on 24 September 2024.

1. Background

1.1 At the end of July 2024 the new Government made a number of announcements about its proposed planning reforms and published a draft National Planning Policy Framework (NPPF) together with a consultation paper. This paper explains the proposed changes to the NPPF and seeks input on these and some other proposals to reform the existing planning system. There are a total of 106 consultation questions, but it is proposed to only respond to those questions which most directly impact this National Park Authority.

2. Housing Numbers

- 2.1 The proposed changes to the NPPF reverse those made last December, which saw a ‘softening’ in housing targets to make them advisory. The specific changes include:
- Reversing the December NPPF changes to paragraph 61 which made these need figures ‘advisory’ and removing all reference in the NPPF to the ability of LPAs to argue exceptional circumstances for using a different method to calculate housing need.
 - A strong emphasis on the requirement for LPAs to make all efforts to meet their housing needs, but confirmation that they will still be able to justify a lower housing requirement on the basis of local constraints on land and delivery, such as existing National Park, protected habitats and flood risk areas. As now, we would have to evidence and justify this through local plan consultation and examination.
 - Changing the ‘standard method’ from one based on household projections to one based on increasing existing stock by 0.8% per year plus an affordability accelerator for those areas where the ratio of average earnings to average house prices is more than four times. Alongside the consultation MHCLG has published a spreadsheet of the outcomes of this new method, which would see significant increases to housing need figures in most places other than London, with the South-East seeing one of the biggest increases. Figures are based on local authority areas rather than LPA areas so are not broken down between the National Park and those local authority areas that overlap us.

Question 1

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

Proposed Response:

No objection to the removal of the word ‘advisory’ but concern about the removal of the references to exceptional circumstances for using a different method for calculating need as per the answer to question 2.

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?

Proposed Response:

The National Park Authority has not been provided with a standard method number separate to that given to the 13 local authorities whose areas overlap the Park. We and our local authority partners will need a locally derived method to correctly apportion the need within and outside of the National Park. It would be helpful if a consistent approach could be agreed between all the National Parks and their partner local authorities and MHCLG / PINs. We are aware for instance that, under the existing NPPF, differing advice has been given

by PINs about whether partner local authorities can use a locally derived method for the rest of their area outside of their National Park.

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?

Proposed Response:

Yes. The use of existing housing stock as the basis for the standard method is sensible because it will not change significantly during plan preparation and has a clear and understandable relationship with the housing needs arising from an area.

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?

Proposed Response:

No. The use of any affordability accelerator results in high housing numbers in areas which are constrained by national assets such as National Parks and National Landscapes. House prices and rents are high in these areas because people want to live in beautiful areas but supply is rightly constrained to further their purposes for designation. Increasing the housing need numbers in these areas will not increase supply or decrease house prices, it will just result in lengthy delays to plan-making whilst unmet needs are discussed with neighbours and defended at examination. The South East is particularly affected by this issue because of the high proportion of land which is designated as National Park or AONB/National Landscape.

Question 17

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

Proposed Response:

No, see response to question 16.

Question 19

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

Proposed Response:

It is recommended that the new standard method be based solely on a 0.8% increase in existing housing stock and that the uplift needed to achieve the national housing targets is achieved through the identification of growth areas nationally where there are lower levels of environmental constraints.

3. Strengthening the presumption in favour of sustainable development

- 3.1 Paragraph 11 of the NPPF provides a fallback to encourage planning permission to be granted where plan policies are not up-to-date, including where there is an insufficient supply of land - such as where a local planning authority cannot demonstrate a five year housing land supply (5YHLS). It 'tilts the balance' towards approval by making clear that, in these circumstances, permission should be granted unless doing so would cut across protections for safeguarded areas, like National Parks and habitat sites, or the adverse impacts would 'significantly and demonstrably' outweigh the benefits when assessed against the NPPF taken as a whole.

- 3.2 Whilst the December 2023 NPPF did not change paragraph 11, it affected how often the tilted balance would be applied by protecting local planning authorities from needing to demonstrate a 5YHLS if their Local Plan was under five years old. It also extended the protection given to Neighbourhood Development Plans under five years old if they had allocated sufficient sites to meet their housing need when they were examined (paragraph 14).
- 3.3 It is now proposed to reverse the changes in respect of the 5YHLS such that LPAs will need to demonstrate this whatever the age of their Local Plan. This will include a minimum 5% buffer. Government acknowledges that this change is likely to bring more local planning authorities into the scope of the presumption in the short-term, but considers this necessary to address the issue of chronic undersupply of land that has underpinned the housing crisis and support their drive to deliver 1.5 million new homes over the next five years. It is also proposed to change the wording of paragraph 11 to clarify that the relevant policies are those for the supply of land, and to insert specific reference to locational and design policies, as well as policies relating to the delivery of affordable housing, to make it clear that these remain important even where the tilted balance is engaged.

Question 6

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

Proposed Response:

Yes the changes bring helpful clarity to the issues to be considered.

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, this removes the incentive to keep Local Plans up-to-date. If a Plan has demonstrated that it makes sufficient and deliverable provision for housing through its examination, then local planning authorities should not be penalised if landowners and developers fail to implement sites or are slow to do so. The retention of paragraph 14, which offers some protection from the presumption to neighbourhood development plans under five years old, is supported because these plans require significant investment by communities and the provisions incentivise those who proactively seek to plan to accommodate their needs. However, the same principles apply to Local Plans.

4. **Maintaining effective co-operation and the move to strategic planning**
- 4.1 Primary legislation in the form of a 'Planning and Infrastructure' Bill will be brought forward to reintroduce mandatory strategic planning. This is proposed to be through elected Mayors overseeing the development and agreement of Spatial Development Strategies (SDSs) for their areas. The Government will also explore the most effective arrangements for developing SDSs outside of mayoral areas, including identifying priority groupings of other authorities where strategic planning – especially the sharing of housing need requirements – would provide particular benefits. In our area this is most likely to take the form of County and Unitary Authority groupings and, given the increases in housing need figures explained, this area could be considered a priority for Government to intervene to ensure these groupings are formed and deliver SDSs.
- 4.2 Ahead of primary legislation, the legal 'duty to cooperate' will remain and the proposed changes to the NPPF include strengthening expectations around the outcomes of cooperation such as accommodating unmet housing need and other strategic issues.

Question 12

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

No, the existing wording already requires LPAs to work together on strategic planning matters, and the legal duty to cooperate will remain in place until replaced by the alignment test under the new planning system. In the South East, the high proportion of land which is designated as National Park or AONB/National Landscape, coupled with urban areas tightly constrained by their administrative boundaries and/or the sea, means that there are insufficient suitable ‘recipients’ of unmet need. These difficulties can only be solved through proper strategic planning which identifies growth areas nationally where there are less environmental constraints (see response to question 19). Strengthening the duty to cooperate further to essentially be a ‘duty to agree’ where unmet need will go will just delay plan-making and reduce house-building in the meantime.

5. Design, density and brownfield land

- 5.1 The December 2023 NPPF introduced new wording in Chapter 11 – Making Efficient Use of Land – to say that “significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan”.
- 5.2 The current consultation proposes to reverse these changes, recognising that increasing densities in urban areas can support achieving sustainable patterns of development and meeting expectations on future housing supply. Rather than district-wide design coding, it wants to focus local planning authority efforts on the preparation of localised design codes, masterplans and guides for areas of most change and most potential – including regeneration sites, areas of intensification, urban extensions and the development of large new communities.
- 5.3 The consultation also seeks to make clear that the principle of development should not be in question on brownfield land and includes an amendment to paragraph 124c of the current NPPF, reinforcing the expectation that development proposals on previously developed land within settlements are acceptable in principle.
- 5.4 It is also proposed to expand the definition of brownfield land (PDL) in the NPPF to include hardstanding and glasshouses. However, Government is seeking views on how to ensure that there remains sufficient incentive for the development and maintenance of glasshouses for horticultural production.

Question 4

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

Proposed Response:

Yes, the redevelopment of brownfield sites in urban areas at higher densities is a sustainable way to provide more housing as residents are more likely to be able to access facilities and services without use of the private car. This also reduces the pressure on green field sites in rural areas. Good design can make such developments attractive places to live and contribute positively to the character of the place even if the surrounding area is at a lower density.

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?

Proposed Response:

Yes, district-wide design codes are not practical in large rural authorities where there is a significant diversity in character from one part to another and prescription of height, scale and design details would not be appropriate. These

codes are better used at a site or local area level where character is more homogenous and prescriptive requirements can clearly inform applications. This also represents a more proportionate approach than a blanket requirement for district wide Design Codes.

Question 20

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

Proposed Response:

Yes, although in reality most such sites will already be within settlement policy boundaries where development would be acceptable in principle. Care will need to be taken to protect employment sites within urban areas so that people can still live and work in close proximity to minimise the need to travel.

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?

Proposed Response:

Expanding the definition of PDL to include glasshouses would risk their loss for horticultural use and reduce our ability to source more food within this country, particularly salad and fruit. Such businesses currently fall within the definition of agriculture and therefore benefit from extended permitted development rights, which could be abused if there was a presumption that these sites could be redeveloped for housing. They are also frequently in rural areas away from any settlements or services. We therefore have concerns about this proposal.

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?

Proposed Response:

Agreed. Beauty can be achieved through the use of design guides and codes which are less subjective and more predictable for applicants.

6. Delivering affordable housing

6.1 The Government says it wants to deliver affordable housing and infrastructure that will mitigate the impacts of new development by improving the existing system of developer contributions. It will not be implementing the Infrastructure Levy as introduced in the Levelling-up and Regeneration Act 2023. It proposes:

- That housing needs assessments must explicitly consider the needs of those requiring Social Rent (the cheapest form of affordable housing) and that authorities must specify their expectations on Social Rent delivery as part of broader affordable housing policies.
- Removing the requirement to deliver at least 10% of the total number of homes on major sites as affordable home ownership (First Homes), although this product can remain part of the mix.
- Expecting local planning authorities to take a positive approach to mixed tenure housing schemes through both plans and decisions, whilst supporting a high proportion of Social Rent.
- Asking whether any restrictions should be placed on the scale of 100% affordable homes developments.
- Asking how it can better support and increase rural affordable housing.

- Including explicit reference to the need to plan for accommodation for looked after children.
- Strengthening the support for community-led housing by widening the definition to include groups originally set up for a purpose other than housebuilding; and removing the size limit for community-led exception sites, where an alternative limit is established through the development plan.
- Asking whether changes are needed to the definition of 'affordable housing for rent' in the Framework glossary to make it easier for organisations that are not Registered Providers, for example community-led developers and almshouses, to develop new affordable homes.

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?

Proposed Response:

Yes, this is built in to most existing housing need assessments.

Question 48

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

Proposed Response:

Yes the mix should be based on local needs not national percentages.

Question 49

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

Proposed Response:

Yes, First Homes are not affordable in this area and this percentage requirement reduces the amount of genuinely affordable tenures.

Question 51

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

Proposed Response:

Yes, especially for larger developments.

Question 52

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

Proposed Response:

By being clear that policy requirements must be adhered to so that expectations of being able to negotiate lower levels of affordable housing does not push up land values.

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?

Proposed Response:

There are a sufficient variety of affordable housing products that even 100% affordable schemes can meet the needs of a large cross-section of the

community – from social rent to shared ownership to discounted ownership in perpetuity. Most under 35-year-olds will need some form of support to buy a home. What should be avoided is large estates that only house those in most urgent need, as that may result in social problems. Increasing the overall supply of affordable housing will enable a more balanced social mix within the definition of affordable tenures.

Question 54

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

Proposed Response:

Enhanced support and weight given to community-led-development in rural areas. Increased and more reliable funding to CLT and similar groups (including for revenue as well as capital funding) and a reduction in their administrative burden, such as not requiring them to be Registered Providers. Limiting any flexibility around tenure and mix on exception sites to community-led development to avoid increasing land values out of their reach.

Question 55

Do you agree with the changes proposed to paragraph 63 of the existing NPPF? (adding reference to looked after children)

Proposed Response:

Yes in principle, although it is not clear what type of specialist accommodation is needed. Our experience is of organisations wishing to use C3 dwellings as residences for looked after children with a level of on-site carers on shifts which goes beyond the current definition of C3. This could be better resolved by expanding the definition of C3 so that planning permission is not required for such use.

Question 56

Do you agree with these changes? (in the December NPPF to strengthen support for community led housing).

Proposed Response:

Yes, in principle but they could be made clearer. At present the wording of the first sentence of paragraph 73 is unclear about what additional leeway should be given to community-led groups compared to any other exception site. The restriction on size and proportion in footnote 39 are unnecessarily prescriptive and should be deleted in favour of a site specific assessment, the principles of which are already covered in 73b).

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?

Proposed Response:

Yes, there should be a separate category for social rent. The Government's proposals to have a policy presumption in favour of social rent will not be achievable if it falls within the same definition as affordable rent. All affordable tenures should be linked to average incomes, rather than a percentage of market price. 80% of market rent in the South East is often still over £1,000pcm for a 1 bedroom flat and not 'affordable' to most people on average incomes. Management of affordable and social rent should not be limited to Registered Providers only. Community Land Trusts, Almshouses Trusts and Rural Estates are all capable of managing such housing with appropriate safeguards in place to control rent levels and allocation of housing.

7. Building infrastructure to grow the economy

7.1 It is proposed to amend paragraphs 86 and 87 of the NPPF to support:

- The identification of appropriate sites for laboratories, gigafactories, data centres, digital infrastructure, freight and logistics.
- New, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including grid connections).
- Storage and distribution operations at a variety of scales and in suitably accessible locations.

Question 62

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

Proposed Response:

Yes provided that it is understood that some of these developments will be of a scale that would not be appropriate in National Parks or National Landscapes.

8. Community needs and promoting healthy communities

8.1 It is proposed to amend paragraphs 99 and 100 of the NPPF as follows:

- Paragraph 100 to support the provision and modernisation of key public services infrastructure such as hospitals and criminal justice facilities.
- Paragraph 99 to support the provision of pre-school and post-16 education facilities.

8.2 The consultation also asks how national planning policy could better support local authorities in promoting healthy communities and tackling childhood obesity.

Question 67

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

Proposed Response:

Yes.

Question 68

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

Proposed Response:

Yes.

Question 70

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

Proposed Response:

By supporting the location of development near existing facilities and the provision of multi-user routes. Also by acknowledging the role that National Parks and National Landscapes play in providing a natural health service to the wider population.

9. A 'vision-led' approach to transport planning

9.1 At present, planning for travel often follows a 'predict and provide' pattern, designing for a 'worst case' peak hour scenario. It is proposed to change this to a 'vision-led' approach where residents, local planning authorities and developers work together to set a vision for how they want places to be and designing the transport and behavioural interventions to help achieve this vision. This requires amendments to paragraphs 114 to reflect this approach and to paragraph 115 to say that 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.

Question 69

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

Proposed Response:

Yes, in principle. However, scenarios will still need to be realistic.

10. Supporting green energy and the environment

- 10.1 It is proposed to require LPAs to give significant weight to the benefits associated with renewable and low carbon energy generation, and proposals' contribution to meeting a net zero future, and proactively identify sites for renewable and low carbon development when producing plans.
- 10.2 Following the removal of the de facto block on on-shore wind turbines, it is also proposed to bring large scale schemes back in to the Nationally Significant Infrastructure Projects (NSIPs) regime. It is also proposed to increase the thresholds for solar farms to be considered as NSIPs from 50MW to 100MW on the basis that improvements in technology have increased the efficiency of the arrays, reducing the area they need to cover. It is also proposed to bring some water supply infrastructure projects into the NSIP regime.
- 10.3 The consultation also asks how national planning policy can do more to address climate change mitigation and adaptation, including providing clarity on carbon accounting and flood risk assessments.
- 10.4 The footnote in the December NPPF specifically referencing food production has been removed on the basis that it is unclear how authorities are to assess and weigh the availability of agricultural land when making planning decisions.
- 10.5 The consultation document refers to National Landscapes being the new name for legally designated Areas of Outstanding Natural Beauty and says that the draft NPPF has been amended to reflect this new terminology. It should be noted that this change does not appear in the draft NPPF and that this is currently not showing any changes to paragraphs 182 or 183 which relate to National Parks, AONBs and the Broads. This is welcomed as these paragraphs give significant protections to the National Park, including paragraph 182 that requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which, paragraph 182 goes on to state, have the highest status of protection in relation to these issues.

Question 73

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

Proposed Response:

Yes. Large scale wind or solar development is unlikely to be appropriate in a National Park, but smaller scale wind turbines and solar developments may (depending on the circumstances of the case) be compatible with National Park purposes especially where they are community-led and seek to retain natural functions and agricultural use as part of the mix. Rooftop solar, solar canopies on car parks, biomass boilers and heat pumps would also be supported in principle subject to landscape and heritage considerations.

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?

Proposed Response:

All renewable energy development needs to be considered in the context of other material factors such as carbon sequestration and biodiversity but also heritage and landscape impacts. Where harm cannot be avoided (such as through an alternative location) or mitigated then compensatory measures should be considered.

Question 78

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

Proposed Response:

National planning policy (or better still Building Regulations) should set requirements for all new homes in terms of greenhouse gas emissions and the move to net zero. This would help drive the country to net zero, would ensure a level playing field across England and would obviate the need for the 330+ LPAs in England to produce policies for each individual LPA area at differing speeds of production and implementation.

Also by supporting community-led groups to bring forward schemes for small-scale renewable energy and other projects to increase capacity and resilience within their communities.

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?

Proposed Response:

There needs to be one nationally recognised method of accurate carbon accounting referenced in a National Development Management Policy which makes it clear what sustainable construction standards are expected for each type of development. At present every local planning authority is trying to invent its own policy and standards on this, which is a poor use of scarce planning resources and will result in a patchwork of standards across the country, making it harder for applicants to submit successful planning applications. There is no good reason why these standards should be different in different areas, climate change is a national (and global) problem not a localised one.

Any NDMP should set clear standards that developers can show compliance with through certification to avoid placing a burden on the planning system to interrogate sustainable building techniques when determining planning applications or discharging conditions.

Question 80

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

Proposed Response:

The current policy and guidance on the need for sequential tests for all forms of flooding is confusing and leads to inconsistent decisions from LPAs and PINs. Whilst the sequential test makes sense for avoiding flood zones 2 and 3a and 3b, it is more problematic for ground and surface water flooding. It is often possible to mitigate and even improve management of such sources of flooding through development, but the sequential approach would prevent this happening, or unnecessarily delay development. The previous approach of only applying the sequential approach to flood zones 2 and 3a and 3b should be reinstated, and the Environment Agency resourced adequately to keep these zones up-to-date and accurate.

Question 82

Do you agree with removal of this text from the footnote? (relating to food production)

Proposed Response:

Yes because it is difficult to apply as types of agricultural use can change without planning permission being required.

Question 83

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

Proposed Response:

We need a Land Use Framework which can balance all the competing uses of land, including that needed for food production and nature recovery, not just use for development that require planning permission. At present the quality of agricultural land only protects it from development where there are lower quality alternatives elsewhere in the area. The nature of geology and soils means that there will be some areas that we are more dependent on for food production than others, but these areas are often also in high demand for housing.

11. Supporting water resilience

11. Government is considering how it can provide water undertakers with greater certainty on the planning route for their new strategic water infrastructure, to support faster delivery, helping to address the issues with water scarcity and quality. This includes amending the Planning Act 2008 to bring into the definition of Nationally Significant Infrastructure Projects:
- a) water infrastructure projects that are designed to be used intermittently but provide significant peak water supplies during droughts;
 - b) the construction, maintenance or operation of water infrastructure by a third party on behalf of a water undertaker;
 - c) water recycling, which will be an important option for securing water supplies and one that is commonly used around the world; and
 - d) infrastructure which transfers treated drinking water.

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?

Proposed Response:

Water infrastructure proposals often affect the whole catchment area, for instance by recycling water and pumping it back upstream to improve water quality and quantity. The NSIP regime is potentially better suited to considering the impacts on such a wide range of stakeholders than if large water infrastructure applications are determined by the local planning authority in which the infrastructure sits.

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?

Proposed Response:

There is an urgent need to improve water quality across England. Whether water infrastructure is considered under the NSIP regime or determined by local planning authorities, there needs to be robust engagement with wider stakeholders within the catchment, including National Park Authorities that

would be affected by development such as pipelines or who host watercourses which could be affected by proposals.

12. Local Plans

- 12.1 Government has given a clear steer that local planning authorities are expected to deliver universal local plan coverage by the end of this Parliament and is proposing to strengthen and clarify its intervention powers to ensure that this happens.
- 12.2 To ensure that these plans facilitate the growth Government has committed to several transitional arrangements are proposed. These are:
 - For those that have already submitted their Local Plans for examination, their plans will be examined under the December 2023 NPPF. However, if their housing requirement number is more than 200 dwellings a year lower than their housing need under the new standard method, then they will have to immediately review their plan under the new planning system.
 - For those that have reached Regulation 19 stage by one month after the publication of the new NPPF (estimated December 2024), and whose housing requirement number is no more than 200 dwellings a year lower than their housing need under the new standard method, they should submit for examination within 18 months to be examined against the December 2023 NPPF.
 - If their housing requirement is more than 200 dwellings a year lower than their housing need under the new standard method then they will be examined against the new NPPF - i.e. expected to meet these needs or justify why they can't. This may mean a delay while they look for additional sites.
 - For those who have not reached Regulation 19 stage by this deadline, including SDNPA, they will need to plan on the basis of the new NPPF and take account of the new standard method. The deadline for submitting a Local Plan for examination under the current planning system (rather than that introduced under the Levelling Up and Regeneration Act) is proposed to be moved back from June 2025 to December 2026.
- 12.3 The consultation also clarifies that Government intends to move forward with the changes to the plan-making system introduced by the Levelling Up and Regeneration Act and makes specific reference to their intention to produce National Development Management Policies. These will be a key consideration for our Local Plan Review even under the current planning system.

Question 103

Do you agree with the proposed transitional arrangements? (to the new NPPF) Are there any alternatives you think we should consider?

Proposed Response:

Local Plans are underpinned by a substantial evidence base that takes time and significant resources to produce. They also take time to gain internal and external consensus around the content of the Plan. It is unreasonable to expect LPAs that have got to an advanced stage with their Local Plan, such as Regulation 19, to be able to reshape it to accommodate 3,000+ additional homes (200+ x 15-year plan period). The ability for communities to engage in Local Plans is limited after Regulation 18 stage because representations can only be made on the basis of soundness and legal compliance. The transitional arrangements should be changed so that the new NPPF and standard method is only applied if a Local Plan has not got to Regulation 18 stage by the time the new NPPF is finalised + 1 month, whatever its housing provision number, subject to the Plan being submitted for examination within 18 months.

Question 104

Do you agree with the proposed transitional arrangements? (from the existing to the new planning system under LURA)

Proposed Response:

Yes, the extension to December 2026 is welcome and will avoid Local Plans currently at Regulation 18 stage being stalled while they wait for the new planning system.

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

13.1 Following consistent messaging from both the private and public sector about the need to better resource planning departments, Government is also consulting on further increases to planning application fees. These reflect the fact that, whilst fees for major development may recover the costs of processing such applications, overall fee income does not cover the cost of the planning service. Several options are being consulted on including:

- A doubling of fees for householder applications from £258 to £528.
- Increasing the fees of other applications that don't currently cover costs such as s73 variations of conditions.
- Charging for application types that are currently free, such as listed building consent and works to trees in conservation areas.
- Increasing planning application fees overall so that the income covers other parts of the service such as enforcement and plan-making.
- Whether fees should remain nationally set or partly or wholly set at local level.

13.2 Government is also considering whether to make provision to allow host upper and lower tier (or unitary) local authorities to be able to recover costs for relevant services provided in relation to applications, and proposed applications, for development consent for Nationally Significant Infrastructure Projects. This would particularly support them in their role as a statutory consultee and in relation to the discharge of requirements.

Question 89

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

Proposed Response:

Yes, the fee is a very small proportion of the costs of most household development and it should better reflect the cost of processing the application.

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?

Proposed Response:

Yes

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.

Proposed Response:

S73 and discharge of condition applications. The current fee for S73s is very low compared to work involved in consideration of the application (which after all, if granted, represents a new planning permission). We would suggest this should be increased to at least half of the original fee. Regarding Discharge of

Condition applications, applicants can apply for discharge of a number of conditions under one application at a flat rate fee. All usually require some consultation and if we are prepared to engage with the applicant to secure resolution the costs involved far outweigh the fee. This should be addressed by i) applying the fee to each condition to be discharged and ii) increasing the fee paid for each condition determined

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.

Proposed Response:

Listed Building applications and works to trees with TPOs or in Conservation Areas. These should be charged at a similar rate to householder applications.

Question 94

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

Proposed Response:

No

Please give your reasons in the text box below.

This would be an additional resource burden to create a fee structure and defend it from any challenges. It could also result in an increased gap between the level of service provision in poorer areas of the country to those in more affluent areas that can justify higher fees. It could also be technically difficult to collect as most applications are submitted through the Planning Portal, which would then need to be able to charge different fees for different local planning authorities.

Question 96

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

Proposed Response:

Yes, this would be better than trying to charge for elements of the plan-making function such as submitting sites to a land availability assessment.

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?

Proposed Response:

Enforcement investigations and plan-making.

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?

Proposed Response:

Yes. This is usually a significant resource burden and it is only fair that LPAs are reimbursed for their involvement by the scheme proposer.

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.

Proposed Response:

Host Authorities' (i.e. Authority areas where the development is actually taking place in) should be able to recover costs for all aspects of DCO from pre-app, application, through to discharge of requirements. NSIPs are resource heavy and require input from many specialists / different disciplines. It should be written in the Regulations that Host Authorities can enter into PPAs to recover all costs for the whole process. For some types of development (such as airport expansions), impacts can stretch beyond the boundaries of Host Authorities, so there should also be provision for other affected local planning authorities to be able to reclaim their costs.

14. Conclusion

- 14.1 Subject to Members' comments, the above comments will be submitted to MHCLG. Officers will also share thinking with partners on the impact of the proposed reforms and work together to mitigate these where appropriate if they are retained in the final reforms.

15. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
Does the proposal raise any Resource implications?	No
How does the proposal represent Value for Money?	N/A
Which PMP Outcomes/ Corporate plan objectives does this deliver against	Outcome 1: Landscape & Natural Beauty Outcome 2: Increasing Resilience Outcome 7: Health and Wellbeing Outcome 9: Great Places to Live Outcome 10: Great Places to Work
Links to other projects or partner organisations	South Downs Local Plan Review and Minerals & Waste Plans. Development Management Service.
How does this decision contribute to the Authority's climate change objectives	Includes proposed responses to Government proposals on renewable energy and sustainable construction.
Are there any Social Value implications arising from the proposal?	N/A
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality	Yes.

Implication	Yes*/No
Act 2010?	
Are there any Human Rights implications arising from the proposal?	None.
Are there any Crime & Disorder implications arising from the proposal?	None.
Are there any Health & Safety implications arising from the proposal?	None.
Are there any Data Protection implications?	None.

16. Risks Associated with the Proposed Decision

16.1 This is a response to a Government consultation. Making such a response is desirable and part of the Authority’s usual (and expected) business and does not present significant risk to the Authority.

MIKE HUGHES

Director of Planning (Interim)

South Downs National Park Authority

Contact Officer: Claire Tester, Planning Policy Manager
 Tel: 01730 819312
 Email: Claire.Tester@southdowns.gov.uk
 Appendices None
 SDNPA Consultees Director of Planning (Interim); Legal Services.
 External Consultees If none, state none
 Background Documents [Proposed reforms to the National Planning Policy Framework and other changes to the planning system](#)

