

**Proposed reforms to the National Planning Policy Framework and other changes to the planning system –  
Response to Government consultation as submitted**

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:**

**It should be explicitly stated in the NPPF that National Parks have exceptional reasons not to use the standard method. Further, National Park boundaries do not take account of travel to work areas or administrative boundaries and in some cases dissect settlements. In common with all other National Parks, the South Downs 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. A consistent approach must 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 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 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?

**Proposed Response:**

**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.**

Question 12

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

**Proposed Response:**

**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, high housing demand combined with the high proportion of land which is designated as National Park or AONB/National Landscape, and 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.**

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 in these areas of high landscape and environmental protection 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. It is recommended that the affordability accelerator be removed from the new standard method and a purely stock-based method used instead.

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.**

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 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.**

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.**

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. An explicit reference to this should be included within these paragraphs.**

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 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 and take account of peak flows.**

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.**

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.**

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.**

Question 86

Do you have any other suggestions relating to the proposals in this chapter (Supporting green energy and the environment)?

**Proposed Response:**

**Paragraphs 182 and 183 relating to National Parks and National Landscapes have remained unchanged since the introduction of s245 of the Levelling Up and Regeneration Act 2023, which strengthened the previous duty for relevant authorities to 'have regard' to the purposes of these designations to a duty to 'seek to further' these purposes. The lack of change to these paragraphs in the NPPF has been used by Planning Inspectors to say that the new legislation has no impact on planning decisions. This is contrary to the stated purpose of this legislation to strengthen the protection for these landscapes. A reference to the statutory duty should be made within the text of the NPPF to clarify that it is relevant to planning decisions.**

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. An exception**



**should be made for Listed Building work which do not include increases in floorspace, which should remain free.**

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.**

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:**

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

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.**