

North Norfolk District Council

Response to NPPF consultation

24th September 2024

Not all the questions are relevant to the District Council (e.g. we have no green belt within or adjacent to our area) and therefore we are only responding to some – rather than all – of the questions set.

This response will be tabled for a meeting of the Council's Planning Policy and Built Heritage Working Party on 10th October 2024 – where 'endorsement' of these comments will be sought. The responses below are submitted by Officers on behalf of the Council – following discussions with the Planning Portfolio Holder and the Council Leader.

Chapter 3 – Planning for the homes we need

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

We agree that the changes made in December 2023 were unhelpful. However, that doesn't mean we support the methodology espoused within the draft NPPF.

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?

As referred to above, there is some lack of clarity between the proposed amendments to Para 61 and the statement under Para 6 of the consultation document referring to justification of a lower housing requirement etc. Are the requirements to be mandatory for all or will there be some 'specific circumstances'? If future guidance is to clarify this, it would be useful to have reference within the NPPF itself and for you to first consult on the wording on any such local justification process.

It may be that any such proposals should be tested early in a Plan's production by some form of external assessment.

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

The 'urban uplift' does not apply to North Norfolk. However, the understanding is that the application of the 'urban uplift' has not delivered and the Council has no objection to the deletion of Para 62.

However, the proposed significant reduction in housing numbers to many urban areas compared to the existing methodology should be considered carefully. This is because a significant proportion of the homes needed nationally should be located in cities and their Functional Economic Areas (FEAs) where there is good access to jobs and services. As the consultation states that there should be an uplift in density in urban areas, the relative contribution of large towns and cities and their FEAs to achieving national housing delivery targets should be carefully considered.

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

The clarification is welcomed. The Council has some concern that by bringing more local authorities within the 'presumption' (as mentioned in the consultation document), strategies agreed in recently adopted Local Plans will be undermined and this could also affect the confidence of the public in the local plan process and planning as a whole.

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. Local Authorities should be able to rely on an adopted Local Plan being free from challenge in terms of land supply for its first 5 years, provided the plan was able to demonstrate a 5 year housing land supply at examination. Being able to have confidence in recently adopted strategies is important to maintain overall confidence in the planning system.

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

It is unclear what benefit there is in removing this reference. If a new standard method calculation is to be set out in guidance reference to this should be maintained for clarity.

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?

A buffer of 5% allows for increased flexibility, potentially encourages competition among developers, may improve delivery rates and contribute to market stability.

However, it can also result in additional pressure on Local Planning Authorities to identify and allocate more land than is required. This could lead to more delays in the planning process, with the knock-on effect of an area finding itself subject to the 'presumption', further diluting the overall objectives of a plan led system. There is also the possibility of a buffer resulting in overdevelopment, more housing being built than is needed, negatively impacting local infrastructure and service.

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

If a buffer is required, 5% is considered appropriate.

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

Yes

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

The Council welcomes additional support for cross-boundary and strategic planning matters. In practice a 'duty to cooperate' can be difficult to comply with. Political differences between councils, time constraints and resourcing can have significant impacts on these matters.

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

Greater flexibility may be needed for the soundness criteria to be adaptive to different contexts and scales of development.

Chapter 4 - 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?*

Replacing outdated census figures as the basis with an across the country set 0.8% of housing stock is overly simplistic. It needs to be much more nuanced. Centralised targets of 300 now 370 thousand new builds per year have not worked and we are not confident this national baseline will work either. If a national methodology is used then it should include factors related to age and economic demographics as well as housing numbers and affordability.

The current standard method is widely regarded as problematic, with the 2014 figures known to be inconsistent, and for North Norfolk these project forward a rate of growth which has been shown not to have occurred. These flawed projections are therefore considered by the Council to be an unreliable basis on which to establish future requirements.

Use of existing housing stock levels could provide a more consistent and predictable measure for calculating housing need. However, the Council is concerned that the proposed method may be overly simplified and, whilst it appears to be able to deliver the overall numbers for the country, it would result in some odd and likely unachievable requirements in certain areas. It is suggested that the proposed method needs to include important local considerations (including but not limited to environmental and infrastructure capacity) rather than being entirely based on a centralised target.

Market absorption rates tend to ensure that new housing does not flood an area to the extent that it significantly affects sales prices. The proposed approach is unlikely to resolve affordability challenges in such areas. A more specific approach to affordable housing may be needed to make any meaningful impact on affordability.

There also needs to be acknowledgement from the Government that although councils are responsible for allocating land for development in their local plans, build rates are determined by developers, who regardless of national and local targets will not build more houses than can be sold at a profit that they consider acceptable. Hence the recognised disconnect between permissions granted and completions.

For the avoidance of doubt, North Norfolk District Council strongly opposes the increase in the District's housing requirement that would result from the proposed changes to the standard methodology. There would be a 70% increase from one national methodology (556pa) to the next (943 pa) – and a 136% increase from our current adopted Local Plan requirement of 400 pa. The Council is concerned that it would be being set up to fail, as – among other reasons – it is unlikely that the market would be able to deliver such a high number of dwellings per annum.

To evidence this, our records demonstrate that between 1 April 2001 and 31 March 2024 there have been 8,604 completions which equates to an annual average trend of 374 dpa. The best year (2017/18) in terms of number of homes delivered achieved 546 new homes. Setting ambitious targets is one thing – setting unrealistic targets is another – and that is without reference to factors such as the 35% of the Council's administrative area that has a statutory landscape or nature protection designation (The key nationally designated and statutory constraints to major development used to determine the percentage of district coverage are: SAC, SPA, SSSI, RAMSAR, Local Nature Reserves, National Nature Reserves, Undeveloped Coast, Heritage Coast, Norfolk Coast National Landscape, Scheduled Monuments and Registered Parks & Gardens) – or the 35% of the Council's administrative area is at risk of flooding (Coastal Constraint Management Area, Flood Risk Zone 2, 3, 3a) – or the 56% of 98,500ha) of the Council's administrative area that is affected by Nutrient Neutrality requirements.

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?*

Using an average figure may provide a more consistent number/requirement. However, it might also be appropriate to consider additional factors ('local considerations') such as local housing needs, economic trends and demographic changes.

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

It is important to recognise affordability pressures however, it is unclear if increasing the 'need' figure will actually improve affordability. See also the answer to Q15 regarding market absorption rates. If affordability is to be a factor then the Government needs to ensure that such areas that have their targets increased as a consequence also clearly benefit from more affordable provision.

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?*

It is agreed that it is important to address rental costs (also see answer to Q 57) however, it is not obvious how rental affordability could be factored into the proposed model or how any such incorporation would achieve greater delivery and or lower house prices or rents.

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

The proposed method would result in a very significant increase in the Council's housing requirement. This is way above any number that has previously been achieved. Concern is raised that the proposed methodology will set requirements that are unachievable in many areas and that the market would not deliver even if the 'presumption' is engaged.

Removal of the cap is not guaranteed to increase delivery and risks further speculative development that ignores proper assessment and delivery of accompanying infrastructure and services and undermines the plan led system.

In addition, under the proposed methodology, 24 of the 33 London boroughs, and some cities, would see their housing need decrease significantly, with some falling by around 50% and some other cities would rise by over 100%.

It is considered that there is potential to increase the role of core cities and other large urban areas and their FEAs and to remove some of the discrepancies between the additional growth that would be required in some predominantly rural areas, such as North Norfolk, along with areas that have a weak housing market, that would result from the proposed methodology.

Large rural districts such as North Norfolk, have somewhat restricted access to services and facilities so more significant growth could lead to less sustainable patterns of development with even greater reliance on travel by private car. This would conflict with one of the aims of the NPPF to achieve more sustainable travel patterns.

Chapter 5 - Brownfield, grey belt and the Green Belt

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

As low as these can be set whilst still encouraging landowners to bring forward land for development. This may require further research to identify an appropriate level.

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?*

Yes, developers being aware that actual land costs paid will not allow a viability review will help to manage landowners' expectations.

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?*

Yes, expectations of levels of affordable housing above 50% are unlikely to be realistic.

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, this is an approach NNDC already uses where possible through inclusion of uplift clauses in s106 agreements. However, it is unlikely this approach will deliver more on-site affordable housing but could deliver commuted sums to help delivery elsewhere.

Where a developer/applicant has properly evidenced a viability case to support financial or non-financial contributions below policy requirements it is right that the development should be subject to further viability review if that development has not commenced or completed to an agreed point. In most cases, a viability re-appraisal should not be required if the proposal is a single-phase development which is completed within five years of the grant of permission. For multi-phased development or schemes which take longer than five years to complete post grant of permission, viability review(s) should be required (secured via S106 Obligation).

Much time and effort is expended in reviewing viability reports. Local Planning Authorities could be supported in this task through very clear and fair rules on Assessing viability in planning under the National Planning Policy Framework. Current RICS guidance stacks the cards firmly in the favour of developers with guaranteed returns of 20% for developers which is not always reflective of the risks involved for the developer. Local Communities miss out through developers being able to argue non-viability allowing for reduced contributions which would ordinarily be needed to make developments acceptable in planning terms.

For too long viability assessments have been shrouded in secrecy and the current rules result in crushing the ambition of all authorities converting consents into completions. They also appear to too easily 'defeat' planning policies locally and undermine the planning department's function to be plan led not developer led. As well as reforming the rules it should be a requirement to publish any Assessments conclusions in a standardised format to improve the transparency of the process.

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?*

Questions 37 – 46 specifically apply to Green Belt land to be released. However, there are arguably elements from these proposals that could be applied to ALL development in order to increase the level of affordable homes delivered and ensure other s106 requirements are met. In particular the proposal to set a national Benchmark Land Value (BLV) to try to manage landowners' expectations of land value and ensure high land prices do not impact on viability and the ability to deliver public benefits from development.

This is similar to the current approach to Rural Exception Schemes, where land values are kept low (as this is land that would not normally be expected to be brought forward for development) enabling higher levels of affordable housing to be delivered. The proposals suggest setting BLV at a multiple of existing land use value of agricultural land (typically £20-25k per hectare). The multipliers considered might be as low as 3x up to 10x (whereas BLV used now tend to vary between 10x - 40x existing use values). The proposals also include use of 'late' viability reviews, once more accurate real costs and income figures are known (rather than using industry standard assumptions ahead of known figures). This is akin to the approach NNDC take with uplift clauses in s106 agreements, where a review of viability is required during development or at the end of development which uses real figures. Dependent on timing of a 'late' viability review this could lead to additional financial contributions (in lieu of on-site delivery of affordable homes) but is unlikely to enable on-site delivery once development has commenced.

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

See answer to question 43

Chapter 6 - Delivering affordable, well-designed homes and places

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, it is important to reflect local circumstances. However, it needs to be recognised that as Social Rented is usually lower than Affordable Rent these homes will attract lower prices from Registered Providers and therefore will be less viable than other forms of affordable housing, which may mean inclusion of Social Rent homes reduces the overall level of affordable homes possible from a development.

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

Yes, it is important to reflect local circumstances. The vast majority of households in housing need and on the Council's housing list would not be able to afford any form of affordable home ownership and require homes to rent. Affordable home ownership may be acceptable in lower cost parts of the district, so the Council should be able to reflect this in flexible local policies.

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

Yes, First Homes is not an affordable option in high value/low wage areas such as North Norfolk. Our preference for affordable home ownership would be shared ownership which offers a more affordable route to owning.

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

This should be a local decision reflecting local housing need. As stated above, in our district we do not believe this is a genuinely affordable option and causes confusion with Rural Exception Schemes, which First Homes were already excluded from.

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

Yes, this is an approach already supported and we are particularly keen to see new private rented homes in the district which are badly needed.

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

In addition to Rural Exception Schemes which must be predominantly affordable homes, this could be achieved through specific allocations of sites for affordable homes in a local plan.

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 is an approach NNDC has supported, although this has been on relatively small sites (under 50 homes) in towns or larger villages, and developments have included a reasonable proportion of shared ownership homes. An element of sensitive or local lettings plan has often also been used when allocating homes.

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

NNDC has been successful in delivering a number of Rural Exception Sites, but these are time consuming and expensive for Registered Providers to deliver. Higher grant rates are required to deliver quality developments that reflect the rural communities in which they are built. Developments often face local opposition from communities who were not expecting any new homes, so better national information about these sites would be helpful.

Question 56: *Do you agree with these changes?*

Yes, NNDC fully supports community-led housing and recognises that housing proposals may emerge from community groups or charities that were originally set up for different purposes (e.g. neighbourhood planning). There should be no arbitrary size limit on community-led exception schemes (or any other form of exception site) as these should reflect the nature and wishes of local communities.

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 Council would like to see the definition of an Affordable Homes moved away from relating to market price / rent levels towards a system linked to average local incomes. The mortgage lending ratio should be no greater than three times local incomes and rents limited to 35% of average local household incomes.

This is a relevant issue for NNDC as we have had interest from a number of landowners who have an interest in developing affordable homes for local people (e.g. country estates or farmers who already let homes). We are interested in introducing some flexibility to encourage these types of developments but would need to ensure there were safeguards so that homes remained affordable in perpetuity and some 'regulation' of these took place so, for example, rents were set and retained at an affordable level. Perhaps there is a lesser regulatory role for Homes England in this?

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?*

Factors that impact on this could include:

- Complex planning processes: may favour larger developments due to economies of scale
- landowner reluctance to sell smaller sites due to lower financial returns
- some small sites are likely to come forward as windfall and contribute to housing supply in that way

Measures to consider - simplify and speed up the planning process for small sites; incentivise landowners, LPA identification of and support for and promotion of suitable small sites

Chapter 8 – Delivering community needs

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

Whilst the proposals for placing “Significant weight” in decision making for new, expanded or upgraded public service infrastructure is welcomed, some caution is advised where residential development is required to make S106 contributions towards public infrastructure. Requests for financial contributions from an education authority or health authority should be based on clear and justified evidence otherwise excessive demands will place at risk the delivery of much needed housing growth.

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

The introduction of the phrase “In all tested scenarios” raises the question of what is actually meant by “in all tested scenarios” and who will be the person undertaking the tests – applicant or highway authority or Local planning authority? Would suggest this be amended to say “in all reasonable tested scenarios” otherwise Local Planning Authorities will be held up in determining applications if there is unjustified highway objection from local residents on the basis that not every test scenario has been undertaken.

Chapter 9 – Supporting green energy and the environment

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

It depends on the definition of 'large'.

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

The Council supports the proposed changes - these should be aligned with the production and adoption of local area energy plans.

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?*

Additional protections should be put in place for certain environments. However, if technological solutions are available or become available that allow some habitats to co-exist with renewable generation then this may be a way to safeguard these environments for the future. National planning policy should be supportive of such solutions.

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?*

The Council would prefer to see proposals in its area determined locally – whilst recognising that the Government could provide capacity support for complicated / specialist cases.

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?*

The Council would prefer to see proposals in its area determined locally – whilst recognising that the Government could provide capacity support for complicated / specialist cases.

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

Consideration should be given to the recommendations contained in the Spatial Planning for Climate Resilience & Net Zero report for the Climate Change Committee 2023.

For example

- Include explicit requirements for carbon accounting of local plans and demonstrating emissions reductions in line with the Climate Change Act and national Carbon Budgets.

- Set out explicit requirements and expectations for local plans to achieve specific climate adaptation targets and transition to a net zero future.
- Include reference to reducing carbon emissions and supporting climate adaptation in the definitions of the test of soundness and sustainable development.
- Be clear that national policy and standards on climate change are a minimum baseline and enable local authorities to set more ambitious targets where this is justified.
- Reform the viability process so that net zero becomes a baseline requirement when determining the viability of a plan or project.
- The government should disaggregate the national carbon budget to local authority scale, providing local planning authorities with the evidence and methodology through which compliance of plans and proposals can be measured.
- Local plans and decision making should be tested against a holistic framework of adaptation and resilience measures, incorporated into the NPPF, with clear parameters set within the PPG so that performance can be measured against defined targets.
- Stronger Planning Practice Guidance to support local authorities with plan making for climate adaptation and mitigation
- Embed policy support and enablers for retrofit into the NPPF and permitted development rights (e.g. future proofing homes for boiler replacement, energy efficiency, clearer guidance for historic buildings).

In addition, Government should consider

- imposing immediate requirements for net zero housing and improved water efficiency now – do not allow the building of anymore homes that will require retrofit at a later date
- giving local authorities powers to insist on certain types of technologies (and ban others) in new and existing buildings in certain areas
- strengthening the power of S106 agreements so that Net Zero and other climate actions e.g. tree planting/green spaces cannot be removed at a later stage
- strengthening protection for special areas e.g. Natural Landscape areas, prohibiting practices which will add to the climate problems but allowing them to take part in the solution
- limiting the development in coastal areas to developments that help mitigate climate change or provide temporary solutions but do not exacerbate issues (e.g. do not allow the provision of housing that needs to be relocated at a later date)
- making regulations regarding listed buildings more flexible to allow for retrofit/decarbonisation.

As part of making housing more affordable, all new properties should be designed and constructed to 'net zero' standards if we are to stand a chance of being carbon neutral by the 2030 target. The Council believes that this could probably be controlled more effectively by the 'Building Regulations' system than the planning system.

We would welcome a review of permitted development rights with a view to including most air source heat pump proposals within permitted rights.

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?*

LPAs lack the evidence, technology, capacity, knowledge and skills to carry out carbon accounting for local plans. National planning policy and guidance should address the major challenge of a current lack of standardised methods and guidelines for carbon accounting.

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

Policies should account for all sources of flood risk, including rivers, sea, surface water, groundwater, and overwhelmed drainage systems.

Policy should strengthen the application of the sequential and exception tests to ensure that new developments are directed away from high-risk areas unless absolutely necessary.

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

The Council has declared a Climate Emergency and pledged to assist the wider district to achieve Net Zero by 2045. Net Zero therefore needs to be at the heart of planning requirements with an obligation for future developments to be part of the solution.

Chapter 10 – Changes to local plan intervention 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?*

It should be recognised that the progression of a Local Plan is heavily dependent on resources, notably the availability of professional planning officers, it would be beneficial for local authorities to receive additional ring fenced funding to better facilitate the plan making process.

If subject to an intervention consideration, it would be beneficial for a local authority to have the physical constraints of the area and other local evidence taken into account.

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

Providing criteria may provide more clarity as to when there would be risk of intervention and may ensure better consistency in the process.

Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

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

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.*

Most but particularly, applications under Regulation 77 of the Habitats Regulations – current fee is £30 which is considered inadequate. The majority of development allowed under the General Permitted Development Order (GPDO 2015) as amended, places a requirement on applicants to confirm with Councils whether a proposal will have an adverse impact on European sites. In the past this was less problematic and applications were small in number. However, the GPDO now encompasses such a large number of scenarios of permitted development creating new overnight accommodation and camping and caravan sites (including through potential abuse of Natural England’s “Exemption Scheme”) more and more Regulation 77 applications are required to be submitted. With such issues as recreational impacts on European sites requiring tariff payments and the issue of nutrient neutrality requiring evidence of neutrality or the securing of mitigation, these complex Reg 77 applications require input from a range of expertise, including by ecology officers assessing proposals and producing Habitats Regulations Assessments before Natural England will comment. Estimated costs to Council for Reg 77s can range from circa £125 to upwards of £540.

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

Please give your reasons in the text box below.

The Council would prefer to continue with a system of nationally set fees. However, the Council believes the overall ambition should be to enable ‘Development Management’ services to be cost neutral and we are a long way from that at the moment so a series of above inflation fee increases may be required to get to ‘cost neutral’. In principle, it seems only right that those that make applications should bear the cost of the service rather than the general council tax payers.

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

Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.

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

Neither

Don't Know

Please give your reasons in the text box below.

In terms of the consultation - of the two options put forward – outright control or government setting with limited ability to vary - we prefer the latter (with index linked increases as part of the system). Total responsibility for setting fees would be a burden but partial ability may help with staff recruitment and retention.

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

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

Yes – to cover some enforcement costs.

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?

As well as some enforcement other specialist inputs required by the local planning authority to enable it to process applications e.g. Conservation, Design, Environment Health and Landscape input.

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.*

Local Planning Authorities (including all specialist officers inputting into NSIP schemes) involved NSIP applications from early stages of consideration, PEIR, examination, Requirements discharge of DCO etc. Involvement in NSIP schemes can be complex and time consuming especially given the volume of documents to consider and assess.

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

Applicants will understandably want clarity as to the scope and extent of fees that they are likely to be subject to.

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.*

Recovery of costs for Local Planning Authorities means that time/cost spent on NSIP schemes can be recovered to a significant extent and, if timing is understood, recovered costs can be used to cover other work affected through involvement in NSIPs. The biggest challenge is recording the time spent on NSIPs. LPAs are not great at accurately billing for their time and the creation of some tools for LPAs to use would be very helpful so as to avoid duplication of resources.

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?*

Transitional arrangements are welcomed and necessary to allow for the continuation of well-progressed local plans, as forcing a restart would result in further delays to sustainable housing development and place additional strain on limited resources.

The different arrangements based on stages of plan making already reached might cause confusion and inconsistency in execution.

However, the 200 dwelling threshold is considered too rigid / strict / small. A higher threshold would be more appropriate, particularly for those plans that are at the latter stages of examination. Having to begin preparation of another plan so quickly could harm / reduce public confidence in the plan making system.

Consideration should be given to adjusting the threshold based on local context and housing market signals. Introducing some flexibility may help accommodate varying areas needs and reduce administrative burden.

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

The different arrangements based on stages of plan making already reached or not reached might cause confusion and inconsistency in execution. In particular it will be difficult for non-planners and members of the public to understand what is being expected of their local planning authority.

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

Provision of additional support and resources to local authorities to assist in meeting the proposed new requirements could ease the transition and ensure more effective implementation.

We are very concerned about a number of omissions from this consultation such as abolishing street referenda in the LURA, no guidance on the standard use of artificial intelligence, criteria for preventing viability challenges to release more brownfield sites, measures to prevent land banking and compulsory purchase reforms, use of s106 funds by registered providers to enable council house building, longer term funding statements from Homes England, absence of any clarity on nutrient neutrality challenges to 5 year land supply, support for transport and other infrastructure to enable rural sustainable development or finally much about the future delivery of permitted development rights to ensure development is of required quality and maintenance. All in all, we are not optimistic that the new Planning and Infrastructure Bill in the next parliamentary session will deliver the radical changes to planning policy so badly needed.

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?

The Council is concerned about the potential increased administrative burden and the need for additional resources to implement the changes effectively.

[End]