



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and Date of Committee	EXECUTIVE – 11 SEPTEMBER 2024
Subject	PROPOSED REFORMS TO THE NPPF AND OTHER CHANGES TO THE PLANNING SYSTEM
Wards Affected	All
Accountable Member	Councillor Hugo Ashton – Executive Member for Planning Email: hugo.ashton@westoxon.gov.uk
Accountable Officer	Chris Hargraves – Planning Policy Manager Email: chris.hargraves@westoxon.gov.uk
Report Author	Chris Hargraves – Planning Policy Manager Email: chris.hargraves@westoxon.gov.uk
Purpose	To consider a number of proposed changes to National Planning Policy Framework (NPPF) and to agree West Oxfordshire District Council's response to those proposed changes.
Annexes	Annex A – Draft Consultation Response
Recommendations	That the Executive resolves to: <ol style="list-style-type: none">1. Note the content of the report, including the summary overview of the proposed changes to national planning policy;2. Delegate responsibility to the Planning Policy Manager, in consultation with the Executive Member for Planning, to agree, finalise and submit the suggested draft consultation response attached at Annex A.
Corporate Priorities	<ul style="list-style-type: none">• Putting Residents First• A Good Quality of Life for All• A Better Environment for People and Wildlife• Responding to the Climate and Ecological Emergency• Working Together for West Oxfordshire
Key Decision	NO

Exempt	NO
Consultees/ Consultation	The proposed national planning policy changes are the subject of public consultation from 30 July 2024 – 24 September 2024. The purpose of this report is to consider the proposed changes and to agree the District Council's response to the consultation.

1. INTRODUCTION

- 1.1** The Government is consulting on a series of proposed changes to national planning policy.
- 1.2** This includes a number of specific changes to the National Planning Policy Framework (NPPF) and a number of broader reforms relating to planning fees, local plan intervention and the thresholds used for determining applications under the Nationally Significant Infrastructure Project (NSIP) regime.
- 1.3** The consultation is running from 30 July – 24 September 2024 and the Government has indicated that a new version of the NPPF will be published before the end of the year.
- 1.4** The purpose of this report is to provide an overview of the proposed changes together with an initial Officer response, highlighting, where possible, any particular implications for West Oxfordshire.
- 1.5** Annex A then provides a more detailed suggested draft response to each of the specific questions included within the consultation document.

2. BACKGROUND CONTEXT

- 2.1** In terms of the overall rationale for the proposed changes, the preamble to the consultation reinforces the following key points:
 - Sustained economic growth is needed and this will be delivered through a focus on three pillars; stability, investment and reform.
 - The planning system is seen as being in decisive need of reform, with the Chancellor's speech of 8 July 2024 having committed to consulting on changes to the NPPF to take a different, growth-focused approach.
 - The proposed changes are vital to delivering the Government's commitments on economic growth including the construction of 1.5 million new homes.

3. OVERVIEW OF PROPOSED NATIONAL PLANNING POLICY CHANGES

- 3.1** The proposed changes fall into a number of broad topics as follows:
 - Housing;
 - Previously developed (brownfield) land;
 - Green Belt;
 - Design;
 - Infrastructure;
 - Delivering community needs;
 - Green energy and the Environment;
 - Plan-making;
 - Planning fees and cost recovery.
- 3.2** Set out below is a summary overview of the most significant changes proposed under each topic. This should be read in conjunction with the full consultation proposals which are available to view [online](#).

Housing

- 3.3** Many of the proposed changes relate to housing – reflecting the importance being placed by Government on securing economic growth by building 1.5 million new homes.
- 3.4** The most significant change relates to the use of the ‘standard method’ for assessing local housing need.
- 3.5** Members will be aware that the standard method is essentially a formula that is used to establish the minimum number of new homes needed in any particular area. The current formula is based on household projections which are then adjusted to take account of affordability. In some circumstances that figure is capped to limit the increase, and finally an urban uplift (35%) is applied to some larger urban areas.
- 3.6** The consultation proposes a completely new standard method which is based on a set percentage of an area’s existing housing stock (0.8%) and then applies a stronger affordability multiplier to increase the baseline in proportion to price pressures. No cap or urban uplift is applied.
- 3.7** This new method is intended to be more ambitious in relation to housing growth, provide greater certainty, achieve a more balanced distribution of homes across the country and be easier to understand and apply.
- 3.8** The table below illustrates the impact of the proposed change on the level of housing need across Oxfordshire.

Local Authority	Current standard method	Proposed standard method	Average annual net additions (2020 – 2023)
Cherwell	706	1,095	1,242
Oxford	762	1,051	437
South Oxfordshire	579	1,179	1,010
Vale of White Horse	633	937	1,162
West Oxfordshire	549	889	865

- 3.9** It is evident that the new standard method significantly increases the level of housing need across Oxfordshire. For West Oxfordshire, the need increases from 549 homes per year to 889 homes per year. Over the 20-year period of the proposed new West Oxfordshire Local Plan (2021 – 2041) this equates to a total of 17,780 new homes compared to 10,980 under the current standard method.
- 3.10** Other important changes include the fact that the standard method will no longer be an ‘advisory starting point’ – rather it will be mandatory and there will no ‘exceptional circumstances’ for departing from it.

- 3.11** The consultation also makes it clear that Councils will be expected to make *'all efforts to allocate land in line with their housing need as per the standard method'*. This is particularly important because whilst a local authority may choose to set a lower housing requirement through their local plan, this would need to be robustly evidenced and justified.
- 3.12** In particular, Councils would need to demonstrate they have taken all possible steps to meet their housing need in full, including optimising densities, sharing need with neighbouring authorities, and reviewing Green Belt boundaries, before a lower housing requirement will be considered.
- 3.13** The consultation invites views on a number of other important housing-related changes including a reinstatement of the requirement for Councils to continually demonstrate a 5-year housing land supply.
- 3.14** In addition, the requirement to add a 5% buffer to the 5-year supply calculation is to be reinstated (increased to 20% in areas of significant under-delivery) and past over-supply will no longer be able to be taken into account.
- 3.15** Other housing related changes include:
- Increased emphasis on achieving higher densities in urban areas with reference to consideration of 'local character' being removed as being overly restrictive;
 - A shift away from District-wide design codes and towards more localised design codes, masterplans and guides for areas of greatest change and potential;
 - The presumption in favour of sustainable development to be amended to clarify that the 'tilted balance' is engaged when policies relating to the supply of land are out of date and to ensure that location, design and the provision of affordable homes are particular considerations when any adverse impacts of proposed development are weighed against the harms;
 - Increased emphasis on strategic planning across LPA boundaries including the use of Spatial Development Strategies (SDSs) with particular reference to housing needs, strategic infrastructure and building economic and climate resilience;
- 3.16** With specific regard to affordable housing provision, the consultation places an increased emphasis on social rented housing including a requirement for Councils to specify the minimum proportion of social rented homes needed.
- 3.17** The current requirement for 10% of affordable homes on major sites to comprise affordable home ownership options will be removed and will instead be a matter for local decision-making. Similarly, the current requirement for 25% First Homes will also become a matter of local discretion.
- 3.18** Additional support is proposed to be given to mixed tenure sites in the interests of accelerating delivery and creating more diverse communities. The consultation also seeks views on how the current requirement for 10% of a Local Plan's housing requirement to be met on smaller sites of less than 1 hectare could be strengthened and clarified.

3.19 Specific reference is proposed to be made to ‘looked after children’ in the context of those groups whose housing needs should be assessed and reflected in planning policies. Support for community-led housing is to be further strengthened by expanding the definition of such development and by removing the size-limit for community-led exception sites where an alternative limit is established through the Local Plan.

Officer Response

3.20 Given the Government’s stated ambitions around economic growth and the delivery of new homes, it is unsurprising that many of the proposed national policy changes relate to housing.

3.21 A number of the proposed changes are supported in principle, including the increased emphasis on social rented and community-led housing, greater local discretion on the provision of First Homes and other affordable home ownership options and the increased drive towards more tenure diverse communities.

3.22 Also supported is the push towards more strategic planning which is considered to be an effective tool for dealing with important cross boundary issues such as housing, jobs and infrastructure. The Oxfordshire Plan 2050 was a good example of the merits of such an approach.

3.23 The proposals around achieving higher densities in urban areas are sensible although Officers do not consider it necessary to remove the reference to ‘local character’ as the current NPPF wording is not felt to be overly restrictive. It is perfectly possible to achieve higher density development whilst respecting local character – indeed this should be a pre-requisite of such development.

3.24 Also supported is the move away from District-wide design codes and towards more local-level documents in areas of potential change and opportunity. This is of particular relevance to key locations such as Salt Cross Garden Village.

3.25 The clarification provided on the application of the ‘tilted balance’ is welcome, however there are concerns that the additional safeguards on location, design and affordable housing will not be sufficient to offset the inevitable increase in speculative applications and planning appeals that will ensue upon the introduction of the new standard method.

3.26 It is notable that the consultation document itself acknowledges that more Councils will be brought into the scope of the ‘tilted balance’ in the short-term and simply inserting some additional text on relatively subjective matters including location and design are unlikely to provide much of a safeguard.

3.27 This leads onto the more substantive concerns of Officers which revolve around the proposed standard method and its mandatory application by all local planning authorities. Whilst Officers accept that such an approach would provide greater certainty (insofar as there would no longer be any debate about what constitutes ‘exceptional circumstances’) the impact of the new method will be significant and will inevitably pave the way for a very difficult period of speculative planning applications and planning by appeal.

- 3.28** In basing the calculation on a proportion of an area's existing dwelling stock, the approach seems arbitrary compared to the current method which takes into account anticipated household formation. Whilst the number of existing dwellings is a fixed, known quantity, it is not clear why this should be seen as a key determinant for the number of new homes that are needed in the future.
- 3.29** In addition, the proposed affordability multiplier serves to greatly inflate the level of identified housing need to potentially unachievable levels whilst in reality, doing very little to influence the cost of market housing to buy or rent. New-build homes make up such a small percentage of the overall housing stock, that simply saturating the market with new build homes will have very little impact on overall affordability.
- 3.30** Linked to the concerns around the introduction of the standard method, Officers have strong concerns around the related issue of 5-year housing land supply. As the proposals currently stand, many Councils, including West Oxfordshire, will not be able to demonstrate a 5-year supply and thus the 'tilted balance' of the NPPF will be engaged as soon as the new NPPF is published.
- 3.31** This will inevitably lead to increased pressure for development in inappropriate and unsustainable locations and will diminish the ability of LPAs to resist it.
- 3.32** This will be exacerbated by the intention to bring the new standard method in immediately and by reinstating the requirements to annually demonstrate a 5-year supply and apply a 5% or 20% buffer to the calculation.
- 3.33** If the new standard method is introduced, it should be introduced on a phased basis to enable Councils to properly plan for it in a sustainable and co-ordinated manner.
- 3.34** With regards to the calculation of 5-year housing land supply, there should be no requirement to annually report this, provided that the Local Plan is less than 5-years' old, or where the Council is consistently achieving housing delivery levels above identified needs.
- 3.35** No buffer should be required given the significant step-change in housing need arising from the new standard method and consideration should also be given to the definition of 'deliverable' housing land such that outline planning permissions and local plan allocations can be more readily counted within the 5-year supply period.
- 3.36** Moreover, the application of the tilted balance and calculation of housing land supply should recognise the fact that the number of housing completions coming forward within a 5-year period is beyond the control of local planning authorities and is effectively at the behest of landowners and developers.
- 3.37** A revised measure should be considered based on the number of permissions granted rather than the number of homes expected to be completed. This would more fully reflect the role, responsibility and degree of influence which LPAs have.

Previously developed (brownfield) land

- 3.38** The consultation includes a number of changes which are intended to further encourage the re-use of previously developed (brownfield) land. In short, the NPPF is to be amended such that development involving brownfield land is to be generally regarded as acceptable in principle.
- 3.39** With specific regard to the re-use of brownfield land in the Green Belt, the text is to be amended to make it clear that such development will not be considered inappropriate provided it would not cause substantial harm to the openness of the Green Belt.
- 3.40** Views are also sought on whether the current definition of brownfield land should be expanded to include hardstanding and glasshouses without compromising the needs of the horticultural sector.

Officer Response

- 3.41** The current NPPF already lends significant support to the re-use of previously developed (brownfield) land. The proposed changes are intended to further reinforce this and are therefore welcomed in principle. Although the wording relating to development in the Green Belt is proposed to be more flexible, the main safeguard of preserving the openness of the Green Belt remains in place.
- 3.42** With regard to the definition of brownfield land, Officers have a slight concern the inclusion of glasshouses could lead to increased pressure for the re-development of such sites even when they are in active use. As such, it is suggested that the definition should only be applied to sites that are no longer in active use or capable of being brought back into active use.

Green Belt

- 3.43** A number of key changes are proposed in relation to Green Belt policy.
- 3.44** Importantly, where a local authority is unable to meet its housing, commercial or other needs after fully considering all opportunities to make effective and efficient use of brownfield land and wider opportunities, it should undertake a Green Belt review.
- 3.45** In undertaking any such review, the authority should apply a sequential approach which prioritises the release of previously developed (brownfield) land, followed by other 'grey belt' sites and then, higher performing Green Belt sites.
- 3.46** The consultation includes a proposed definition of 'grey belt' land which is land within the Green Belt comprising previously developed land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes.
- 3.47** Whether land can be judged to be making a 'limited contribution' will depend on the following considerations:
- Not strongly perform against any Green Belt purpose; and
 - Have at least one of the following features:
 - Land containing substantial built development or which is fully enclosed by built form;

- Land which makes no or very little contribution to preventing neighbouring towns from merging into one another;
- Land which is dominated by urban land uses, including physical developments;
- Land which contributes little to preserving the setting and special character of historic towns

3.48 Importantly, in recognition of the fact that it will take time to reflect the above through local plan preparation, a further amendment to the NPPF is proposed to take more immediate effect through the development management process.

3.49 Specifically, a new paragraph is to be inserted such that where a local planning authority cannot demonstrate adequate housing delivery, or there is unmet commercial or other need, development within the Green Belt will not be considered inappropriate provided that it is on sustainable 'grey belt' land and would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole.

3.50 Such development would be subject to a number of 'golden rules' being met including:

- in the case of residential schemes, at least 50% affordable housing, with an appropriate proportion being Social Rent, subject to viability;
- Necessary improvements to local or national infrastructure; and
- The provision of new, or improvements to existing, local green spaces with residential schemes having to ensure new residents are able to access good quality green space.

3.51 Notably, the consultation emphasises that the proposed changes to Green Belt policy are intended to support the release of land to address unmet needs for traveller sites.

Officer Response

3.52 On the whole, the proposals are supported. Notwithstanding the concerns outlined earlier in relation to the new standard method, if it is introduced and levels of identified housing need increase as anticipated, it is entirely appropriate to expect local authorities to undertake a Green Belt review before they conclude that they are unable to meet their housing need in full.

3.53 Inevitably across large areas of Green Belt there will be parcels of land that differ in their existing use, character and quality and thus the contribution that they make to the function and purpose of the Green Belt. Clearly some areas of land may be suitable for development and the proposed sequential approach which seeks to prioritise brownfield land first, followed by other 'grey belt' land and then, higher performing Green Belt land, is sensible.

3.54 The specific references made to Green Belt land release helping to address the unmet needs for traveller sites is particularly welcome.

3.55 However, Officers are concerned that the proposed definition of 'grey belt' land is very broad in referring to 'previously developed land and *any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes*'.

- 3.56** Although the consultation seeks to define how a ‘limited contribution’ could be judged, the wording is quite vague and open to interpretation. The likely outcome is that additional parcels of land will be actively promoted with developers arguing that they make a limited contribution to the purposes of the Green Belt, that they meet the Government’s proposed ‘golden rules’ and that the Council does not have a 5-year housing land supply.
- 3.57** In short, the proposals appear to ‘open the door’ too widely to speculative development within the Green Belt. As such, the proposed changes should be limited to plan-making and should not applied with immediate effect to the development management process.
- 3.58** There also appears to be a contradiction in some of the proposed wording. For instance, at paragraph 151, the proposed NPPF text refers to previously developed land which would not cause substantial harm to the openness of the Green Belt, whereas paragraph 152 in referring to grey belt land (which includes previously developed land) requires development not to undermine the function of the Green Belt across the area of the plan as a whole. The proposed definition of grey belt land then refers to land which makes a limited contribution to the five Green Belt purposes.
- 3.59** The text should therefore be checked for consistency and to avoid any contradiction it may be sensible to make a clearer distinction between previously developed land and other ‘grey belt’ land.

Design

- 3.60** Some minor changes are proposed in relation to design – specifically, it is proposed that all current references in the NPPF to the concept of ‘beauty’ and ‘beautiful’ buildings and places are removed as they are overly subjective and difficult to define.
- 3.61** A minor amendment is also proposed in relation to the use of the National Model Design Code as the primary basis for preparing and using local design codes.

Officer Response

- 3.62** The proposed changes are minor in nature and raise no concerns. Officers agree that the terms ‘beauty’ and ‘beautiful’ are overly subjective and could usefully be deleted.

Infrastructure

- 3.63** A number of changes to the NPPF are proposed in relation to the provision of infrastructure to help grow the economy. Specifically, wording changes are proposed to provide particular support for lab space, gigafactories (battery cell manufacturing), digital infrastructure (e.g. data centres) and freight and logistics.
- 3.64** The consultation also seeks views on whether digital infrastructure projects should be integrated into the NSIP (nationally significant infrastructure projects) regime.

Officer Response

- 3.65** The proposed changes are generally supported. The issue of whether digital infrastructure projects should be classed as nationally significant infrastructure projects and thus considered under the NSIP regime rather than via the traditional planning application route will largely

depend on the scale and thresholds used but in principle, it would seem to be sensible for larger digital infrastructure projects to be considered via this route.

Delivering Community Needs

- 3.66** A number of important changes are proposed in relation to community needs.
- 3.67** Firstly, increased emphasis is to be placed on the importance of facilitating new, expanded, or upgraded public service infrastructure, with such considerations to be afforded significant weight when development proposals are considered.
- 3.68** The consultation also places an increased emphasis on the provision of a sufficient number of early-years and post-16 education places.
- 3.69** In relation to transport planning, the consultation includes proposed amendments to the NPPF to emphasise the importance of taking a 'vision-led' approach, whereby local authorities set a vision for how places should be and then design the transport and behavioural interventions needed to help achieve that vision. This represents a purposeful shift away from the traditional approach of 'predict and provide' based on past trends and projections.
- 3.70** The consultation also seeks general views on how national planning policy could better support health and well-being.

Officer Response

- 3.71** The proposed changes are supported, in particular the increased emphasis placed on the provision of supporting infrastructure – which is a key concern often raised through local plan consultation.
- 3.72** Also supported is the increased emphasis on early years and post-16 education places and the proposed shift towards a more vision-led approach to transport planning.
- 3.73** In Oxfordshire, the County Council's Local Transport and Connectivity Plan (LTCP5) is already rooted in a move away from 'predict and provide' and towards 'decide and provide' and the proposed changes are entirely consistent with this approach.

Green Energy and the Environment

- 3.74** A number of important changes are proposed in relation to green energy and the environment more generally.
- 3.75** Firstly, in relation to on-shore wind, changes to the NPPF are proposed to remove the current restrictions placed on such development compared to other forms of renewable energy.
- 3.76** It is also proposed that on-shore wind proposals would be re-integrated into the NSIP regime and thus, beyond a certain scale, will not be a matter for local authorities to determine directly. Specifically, the consultation proposes that the NSIP threshold for on-shore wind generating schemes should be increased from 50 megawatts (MW) to 100 MW. An increase for solar projects from 50 MW to 150 MW is also proposed.
- 3.77** Secondly, the text of the NPPF is to be amended to give increased weight to the benefits associated with renewable and low carbon energy generation and to set a stronger expectation that authorities proactively identify sites for renewable and low carbon development when producing local plans.

3.78 Other proposed changes include the provision of greater clarity over which nationally important water infrastructure projects should fall within the NSIP regime, minor changes to the NPPF text to reflect the new name for legally designated Areas of Outstanding Natural Beauty – ‘National Landscapes’ and the removal of text relating to best and most versatile agricultural land being considered alongside other policies when deciding which sites are most appropriate for development.

3.79 The consultation also invites general views on how national planning policy could do more to address climate change mitigation and adaptation including in relation to flood risk management.

Officer Response

3.80 With regard to the issue of on-shore wind, the proposed changes to footnotes 58 and 59 of the NPPF, which effectively ease the current restrictions placed on such development, are supported.

3.81 Wind energy has a key role to play in facilitating a transition towards a net zero carbon future and whilst often controversial, there is no reason for such proposals to be considered any differently to other forms of renewable energy. The proposed change effectively introduces a more level playing field and is thus supported.

3.82 The principle of large-scale onshore wind projects being considered through the nationally significant infrastructure projects (NSIP) regime is also supported. The proposed threshold of 100MW appears reasonable, however the significant resource implications of local authorities having to deal with planning applications falling below this threshold must be recognised, along with the resource implications of dealing with very large NSIP projects – particularly for host authorities.

3.83 Also supported is the proposed wording change to paragraph 164 of the NPPF which will help to ensure that all local authorities support planning applications for renewable and low carbon energy development as well as the proposed wording change to paragraph 160 which sets a stronger expectation for local authorities to pro-actively identify suitable sites rather than relying on criteria-based policies.

3.84 Officers are however concerned about the proposed changes relating to best and most versatile agricultural land which effectively seek to revoke a previous change made to the NPPF in December 2023 which was intended to ensure that the availability of agricultural land used for food production is considered alongside other policies in the NPPF, when deciding which sites are most appropriate for development.

3.85 The protection of best and most versatile agricultural land is an important consideration and Officers can see no reason why this should not be explicitly referenced as a factor to be taken into account by local authorities when determining which sites should come forward for development.

3.86 Finally, Officers agree that it would be helpful to provide greater clarity over which strategic water infrastructure projects should fall within the scope of the NSIP regime and this aspect of the consultation is therefore supported.

Plan-Making

- 3.87** The consultation proposals include a number of proposed changes to plan-making including the criteria used to determine when central Government may intervene and the transitional arrangements that will apply to local plans currently in preparation such as the West Oxfordshire Local Plan 2041.
- 3.88** With regards to central Government intervention, views are sought on whether the current criteria for intervention should be updated or removed, the rationale being that future intervention should be swifter and more proportionate, justified by local circumstances and providing the Secretary of State with greater flexibility.
- 3.89** In terms of transitional arrangements, the consultation usefully clarifies that the proposed changes to the system of plan-making previously set out under the Levelling-Up and Regeneration Act will be introduced from summer or autumn 2025.
- 3.90** However, in recognition of the significant implications of the various national policy changes set out in this current consultation, the deadline for submitting local plans has been extended from June 2025 to December 2026, meaning that all local plans submitted by December 2026 will be examined under the current plan-making system.
- 3.91** The transitional arrangements stipulate that any emerging Local Plan that has already been submitted for examination will continue to be examined under the current NPPF. This will apply for example to Oxford City's Local Plan 2040 which is currently at examination.
- 3.92** Those plans that have been formally published under Regulation 19 but not yet submitted for examination can progress to examination under the current NPPF provided there is a gap of no more than 200 dwellings per annum between their proposed housing requirement and their revised local housing need under the new standard method. If the gap is more than 200 dwellings per annum, they will be required to revise their plan in line with the new NPPF before submitting for examination.
- 3.93** Other Local Plans that are at a relatively early stage and have not yet reached the formal Regulation 19 stage (such as the West Oxfordshire Local Plan 2041) should be progressed as quickly as possible against the revised version of the NPPF.

Officer Response

- 3.94** With regards to the proposed changes to current Local Plan intervention criteria, Officers have no firm view on this. Clearly in some instances it will be appropriate for central Government to intervene in respect of plan-making to ensure timely progress is made.
- 3.95** The most important issue is that any such intervention criteria must be clear and reasonable so that the local authority is given every opportunity to remedy the situation themselves before matters are effectively taken out of their hands.

Planning Fees and Cost Recovery

- 3.96** The consultation proposals include a number of proposed changes to current planning application fees as well as the possible introduction of new fees for certain types of application that do not currently attract a charge.
- 3.97** In short, it is proposed that the current fee for householder applications will increase from £258 to £528 (the rationale being that the current fee is inadequate for recovering the cost of processing such applications).
- 3.98** In addition, more general views are sought on whether there are any other types of application (e.g. prior approval) where a fee increase should be sought to better reflect the cost incurred by the Council as well as whether there are any other applications that do not currently attract a fee but should do (e.g. listed building consent).
- 3.99** Views are also being sought on the potential localisation of planning fees whereby they would be set locally rather than nationally as is currently the case. Two possible models for localised fee setting are identified including 'full localisation' where no national fees would exist and all local authorities would have to set their own fees (capped so as to not exceed cost recovery) and 'local variation' whereby nationally set 'default' fees would remain in place but local authorities would have the option to vary these within prescribed limits if they wished to do so.
- 3.100** In addition, views are sought on the extent to which planning fees might reasonably be increased to cover the costs of wider planning services (e.g. conservation and design).
- 3.101** In addition to the various potential changes to planning fees outlined above, views are also being sought on how local authorities could better recover the costs of dealing with planning applications that are dealt with under the NSIP regime (e.g. Botley West Solar Farm).
- 3.102** Currently, any such cost recovery is dealt with on an informal basis for example through a planning performance agreement (PPA). Views are sought on whether 'host authorities' (both lower and upper tier in two-tier authority areas such as Oxfordshire) should be able to charge a fee directly to the applicant. To provide flexibility, host authorities would be able to continue to rely on a PPA to recover their costs if they wished to. Any costs incurred by neighbouring authorities (which will generally be much less) would continue to be recovered via a PPA.

Officer Response

- 3.103** The proposed increase to householder application fees is supported as this will better reflect the true costs of dealing with such applications. Also supported in principle is the need to further explore fees being charged on other types of application that do not currently attract a charge. These can in some instances require a good proportion of Officer time and resource and so it would seem appropriate that some form of charge is applied. For this reason, Officers also support in principle the extension of fees to cover the costs of wider service input e.g. heritage and design.
- 3.104** In terms of the localisation of planning fees, Officers have concerns that this could lead to considerable variation across the country. Conversely, nationally set fees provide greater certainty for all parties and consistency of approach. If a localised model were to be

introduced, this should be on the basis of the 'local variation' model which has been identified whereby nationally set default fees would remain in place but with some scope for local variation.

3.105 With regard to the recovery of costs for projects dealt with under the NSIP regime, the proposals are fully supported. It is essential that local authorities are able to properly recover the costs incurred and setting an application fee would provide certainty to all parties, whilst retaining the flexibility to rely on a planning performance agreement if preferred.

4. NEXT STEPS

4.1 Subject to the agreement of Members, the draft consultation response attached at Annex A will be submitted to Government. The Government has indicated that a revised version of the NPPF will be published before the end of 2024. The other, wider planning reforms outlined in the consultation are anticipated to follow.

5. ALTERNATIVE OPTIONS

5.1 The District Council could choose not to respond to the consultation but that would represent a missed opportunity to input into some significant proposed changes to national policy that will have a direct impact on West Oxfordshire including the preparation of its new Local Plan to 2041.

6. FINANCIAL IMPLICATIONS

6.1 The report raises no direct financial implications. Indirectly, there may be some additional costs associated with the preparation of the Local Plan as evidence needs to be re-worked, updated and commissioned to take account of the potential increase in housing need arising from the new standard method.

7. LEGAL IMPLICATIONS

7.1 The report raises no direct legal implications.

8. RISK ASSESSMENT

8.1 The proposed introduction of the new standard method will result in a significant increase in housing need for West Oxfordshire. In the absence of any transitional arrangements, as soon as this is introduced through the new NPPF (expected before the end of 2024) the Council will be under increased pressure from speculative development as a result of not being able to demonstrate a 5-year housing land supply.

8.2 There is also a significant risk that the timetable for preparing the new West Oxfordshire Local Plan 2041 will need to be amended to enable further work to be undertaken as a result of the proposed increase in housing need.

9. EQUALITIES IMPACT

- 9.1** The consultation invites views on whether the proposals contained therein have any particular implications for businesses, or any differential impact on persons with a relevant protected characteristic as defined by the Equality Act 2010 compared to persons without that protected characteristic.

10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 10.1** A number of aspects of the consultation relate to the climate and ecological emergencies, with the proposals, in the main, seeking to strengthen national policy in this respect.

11. BACKGROUND PAPERS

None.

(END)