

## Annex A

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

Yes, the proposed changes will help to clarify the purpose and status of the standard method and will avoid unnecessary debates about what constitutes 'exceptional circumstances' for departing from it.

We do however have concerns about the rationale for the new standard method and the significant increase in housing need that results from its application (see responses to Questions 15 – 19).

### **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?**

Yes, this will help to avoid unnecessary debate at examination. We do however have concerns about the rationale for the new standard method and the significant increase in housing need that results from its application (see responses to Questions 15 – 19).

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

No. Larger urban areas should be expected to provide a proportionately larger number of new homes as they are the most sustainable locations for new development with the largest range of services and facilities and ability to travel by non-car modes of transport.

The proposed changes to the standard method result in an increase in many rural areas and a decrease in larger urban areas which is entirely counter-intuitive. In essence, it is imposing the exportation of unmet housing needs from larger urban centres and circumventing the duty to co-operate.

### **Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?**

Yes. The concept of higher density development and safeguarding the character of an area are not mutually exclusive. As currently drafted, paragraph 130 infers that they are. Balancing the design merits of a scheme in terms of density and character of the surrounding built form is a standard planning consideration and doesn't warrant being singled out within the NPPF as a particular consideration.

### **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?**

Yes. Design Coding across a larger (e.g. authority-wide) area is often difficult and the take up of such documents appears to have been poor. Whilst Design Guides can be prepared

successfully on a larger-scale basis, design codes are more effectively focused on smaller geographical areas including areas of significant opportunity for change.

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

No. Whilst the proposed clarification regarding which policies may be considered out of date in relation to the 'tilted balance' (i.e. those relating to the supply of land) is helpful and supported, the amendments made in relation to the location and design of development and the provision of affordable housing are considered to represent inadequate 'safeguards' against the proliferation of speculative applications that are likely to ensue upon introduction of the new standard method.

Simply identifying location, design and affordable housing provision as particular considerations to be taken into account when weighing up the potential harms of development against the benefits, will not help local authorities that are drawn immediately into the position of having a significant housing land supply shortfall.

**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. Once a Local Plan has been adopted, there should be no requirement to have to demonstrate a 5-year supply of deliverable housing sites. Instead, they should be required to report on the progress of allocated sites and larger planning permissions as part of their Annual Monitoring Report.

Only where it is apparent that the anticipated housing trajectory is falling behind schedule and that an insufficient number of homes will be delivered within a 5-year period, should the LPA be required to publish an updated housing land supply position statement in order to quantify the extent of any such shortfall so it is able to be weighed in the balance with all other relevant material considerations.

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

No. Housing delivery is cyclical by nature and there will inevitably be periods of over and under-supply. If there is a particular period of over-delivery, it seems counter intuitive that a local authority could then find itself unable to demonstrate a 5-year supply of land without being able to reference the past over-delivery in some way. Where is the incentive to encourage LPAs to permit new development if any periods of over-delivery are simply excluded from any future calculation?

**Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?**

No. The proposed new standard method results in a very significant increase in housing need for many local authorities. The consultation acknowledges that the result of this will be many authorities being unable to demonstrate a 5-year supply and thus the tilted balance of the NPPF will be engaged.

In the absence of any phased introduction of the proposed standard method, to apply a 5% buffer on top, will simply exacerbate the situation and lead to an increase in speculative applications and planning by appeal. Many local authorities will quickly find themselves having to then apply a 20% buffer and will end up trapped in a cycle of never being able to demonstrate a 5-year supply and take a sustainable plan-led approach to development. Speculative development will become rife and local authorities will face significant resource implications as they are drawn into an increasing number of costly appeal situations.

That could then in turn lead to greater central Government intervention depending on the proportion of appeals that are upheld and a loss of control at the local authority level.

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

No buffer should be applied to the 5-year housing land supply requirement given the significant increase in housing need associated with the new standard method.

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

Yes. We are not aware of any local authorities that have taken up this opportunity and so it would seem sensible to remove the requirement.

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

Yes. It is essential that national policy requires effective cross-boundary co-operation on strategically important matters and it is helpful that paragraph 24 is proposed to make specific reference to housing, infrastructure and economic and climate resilience.

The proposed introduction of paragraph 27 is supported in principle, however it should be recognised that the investment plans of infrastructure providers do not always align with local plan timescales and priorities. It may be more appropriate for the text to require alignment with local plan infrastructure evidence rather than local plan policies themselves.

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

No, but the text of the NPPF should be amended to clarify that Inspector's will apply the tests of soundness on a proportionate basis taking account of the strategic nature of the plan or proposals being examined.

The current text refers to the tests of soundness being applied proportionately in relation to non-strategic policies and could easily be amended to cover strategic policies too.

**Question 14: Do you have any other suggestions relating to the proposals in this chapter?**

The District Council supports the use of spatial development strategies and welcome the reference made to such strategies being potentially rolled out beyond mayoral areas. The Oxfordshire Plan 2050 was a good example of the merits of such an approach before a decision was taken to cease further progress with it.

**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?**

No. Whilst using a proportion of the existing household stock provides a known, fixed quantity, there appears to be no rationale provided as to why this is the starting point under the new standard method. It will simply penalise more populated areas including those that have already absorbed significant growth in recent years such as Oxfordshire.

Conversely, household projections provide an informed forecast of future household formation based on a range of factors including migration flows. They are a much more appropriate starting point and should be retained.

If there are concerns around the use of such projections, consideration should be given as to how the outputs could be improved before they are discarded completely.

**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?**

No. The proposed methodology is geared too strongly towards housing affordability, resulting in an unreasonable upward push to overall housing need. This is particularly exacerbated in areas of high house prices such as Oxfordshire.

Whilst increasing the overall supply of new homes will increase to an extent the number of new affordable homes provided, in reality, because new builds make up such a small percentage of the overall housing stock, it will do very little, if anything, to suppress the overall level of house prices through supply and demand type arguments.

Whilst we fully recognise that issues of housing affordability need to be addressed, using it as a reason to inflate overall housing need is simply not reasonable or sustainable. In Oxfordshire, there has been a significant increase in the number of new homes built since 2014 and yet house price affordability has worsened rather than improved.

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

No – see response to Question 16. It is being given too significant a weighting which is pushing the overall level of identified housing need to unreasonable and unsustainable levels. For a rural authority like West Oxfordshire, delivering 889 new homes every year consistently over the period of our new Local Plan to 2041 would represent a huge if not unachievable challenge.

**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?**

The rental market is becoming increasingly significant in many areas and so it would seem sensible that rental affordability should be factored into any calculation of housing need. We have no specific suggestions as to how this should be done. If it is incorporated in the final methodology, it will be essential that it does not further inflate overall levels of identified housing need for the reasons outlined in response to Questions 16 and 17.

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

The concept of an agreed 'standardised' method for assessing housing need is welcome. In the absence of such an approach, there is a danger that local authorities will all take different approaches, leading to considerable delay and debate at examination.

For this reason, we are supportive of the proposals to remove the NPPF reference to 'exceptional circumstances' which will ensure that everyone is working to the same point of reference.

However, as set out in our response to the other consultation questions, we have significant concerns about the proposed standard method both in terms of the methodology that underpins it and the outcomes it leads to.

Whilst the desire to bolster house building is fully recognised, the delays experienced in recent years are not due to local authorities developing local plans with overly low housing requirements. Rather, they are a result of a complex, multitude of issues including land assembly, lengthy Section 106 negotiations, infrastructure funding constraints etc.

There are other areas of the planning system which should be tackled first in order to bolster housing delivery, rather than adopting a new method that simply inflates the overall level of need from the outset. This will lead to unsustainable development in inappropriate locations and significant pressure on local communities and supporting infrastructure to accommodate it.

**Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?**

Yes, although the wording should be caveated so that brownfield sites which are currently in active use are not put under undue pressure from new development e.g. pressure for new homes on a site that is currently actively used for employment or commercial uses.

**Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?**

Yes, the proposed change would encourage the use of previously developed land without compromising the openness of designated areas of Green Belt.

**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?**

We support the inclusion of areas of hardstanding within the definition of previously developed land on the basis that should development come forward, there will be policy safeguards in place to ensure that no substantial harm is caused to the openness of the Green Belt.

The inclusion of glasshouses requires more careful consideration as this could lead to increased pressure from speculative development leading to the loss of existing glasshouses, including those in active use.

We would suggest that if the definition is to be expanded to include glasshouses that it should only be applied to sites that are no longer in active use or capable of being brought back into active use.

**Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?**

No. For clarity, a distinction should be made between previously developed land and grey belt land. At the moment, grey belt land includes previously developed land which is confusing. As there is an existing definition of previously developed land within the NPPF, this should be retained and amended as appropriate (e.g. to include areas of hardstanding).

There should then be a separate and clear definition of what other land within the Green Belt could reasonably be classified as 'grey belt' land. At present, the proposed definition is vague and open to interpretation in referring to land that makes a limited contribution to the five Green Belt purposes.

Although an attempt has been made to quantify how a 'limited contribution' might be judged, those in themselves are open to interpretation. More specific criteria/guidance should be provided.

We are supportive of the concept of lower grade 'grey belt' land coming forward within the Green Belt to help meet identified development needs, but greater clarity is needed in terms of how any such land is defined and identified.

**Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?**

This could be incorporated into a clearer definition of grey belt land. In other words, the definition should explicitly state that it will exclude any land which has obviously been purposefully degraded in order to try and meet the definition.

**Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?**



Yes. As outlined above, we have concerns about the vague criteria currently identified to identify whether land makes a limited contribution and so anything that provides additional clarity on this would be welcome. In the interests of brevity, this would be better addressed within separate planning practice guidance.

**Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?**

Yes – the proposed guidance is too vague and open to interpretation. A clearer definition of grey belt land should be developed which would avoid the need for criteria to define what is meant by a ‘limited contribution’ to Green Belt purposes.

If a definition can be produced for previously developed land, we can see no reason why a definition cannot be produced for ‘grey belt’ land.

**Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?**

Whilst LNRS are an emerging concept, they are likely to be able to play a key role in identifying areas of potential enhancement within the Green Belt.

The text of the NPPF or associated planning practice guidance could usefully be amended to stipulate that when Green Belt reviews are undertaken, as part of that process, full regard should be had to any existing or emerging LNRS.

**Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?**

Yes. The application of a sequential approach to the release of land within the Green Belt whereby the primary focus is previously developed land, followed by grey belt land then higher performing Green Belt sites, is logical and thus supported.

**Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?**

Yes, the proposed change is supported.

**Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?**

The intention to apply the release of land through decision making (as opposed to plan-making) only to previously developed land and ‘grey belt’ sites is supported. However, as set out in our response to earlier questions, the vague definition of grey belt sites is likely to lead to significant pressure from speculative development, particularly in those areas where

a significant increase in housing need renders the local authority unable to demonstrate a 5-year housing land supply.

Developers will simply argue that the proposed 'golden rules' have been met, that the site makes a limited contribution to the purpose of the Green Belt and that planning permission should be forthcoming.

We strongly feel that the proposed change to Green Belt policy, including the concept of grey belt land, if introduced, should be confined to plan-making only and properly assessed through Green Belt reviews where necessary.

**Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?**

In respect of non-residential development, the proposed 'golden rules' set out in paragraph 155 of the NPPF only cover two issues – provision of necessary improvements to infrastructure and the provision of new or improved green space.

Given that these should be pre-requisites of new development in any case, it is hard to see how they provide any particular justification for releasing land within the Green Belt, either through plan-making or decision-taking.

**Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?**

Yes – the proposed amendments to Green Belt policy should be seen as a positive opportunity to consider the accommodation needs of the travelling community – particularly in areas of high need and unmet need.

**Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?**

No specific view but it would seem sensible to benchmark the level of identified need against supply in some way so as to justify the need for Green Belt release or otherwise. As local authorities are required to demonstrate a 5-year housing land supply for travelling communities, the NPPF should be revised to require a Green Belt review where there is an inadequate supply of sites identified.

**Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?**

Whilst we have in principle concerns with the application of the proposed golden rules and the release of 'grey belt' land through the decision-making process, if they are to be introduced, it would seem appropriate to stipulate a high proportion of affordable housing

and yet leave the proportion of different tenures, including social rented housing, to local discretion. This would allow any existing or emerging local plan policies to be able to be taken into account.

**Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?**

The proposed wording already allows for a reduction in the proportion of affordable homes provided subject to viability. As such, the 50% target should apply as a general requirement to all Green Belt areas and not be 'tailored' individually by local authorities.

**Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?**

Yes, although the proposed wording is not ambitious or challenging enough.

If land is to be released from the Green Belt, it would be entirely appropriate to require a developer to go 'above and beyond' the standard provision of green space that would be expected from all development and yet as proposed to be worded, all that is currently required is the provision of new or improved green space that is accessible to the public.

That hardly seems particularly aspirational and should be strengthened to ensure that where land is released from the Green Belt, there is a demonstrable improvement in the level of green space provided or enhanced beyond the standard 'do minimum'.

Similarly, there is no specific reference to nature recovery. One option would be to amend the text of the NPPF to stipulate that when land is released from the Green Belt either through plan preparation or decision-making, that the national minimum default for BNG should be increased from 10% to 20%.

**Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?**

Not specific benchmark land values as this is likely to be difficult to do across a wide area with significant variables. However, it would seem appropriate for the NPPF to build on the current 'existing use value plus' approach set out in national policy and planning guidance and stipulate that when land is released for development in the green belt, in recognition of the lower 'development value' of the land, that any uplift in value should be calculated at the lower end of the spectrum e.g. no more than 10x existing use value.

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

See response to Question 37 above.

**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?**

We support this approach. If land is transacting above a minimum defined benchmark land value, there must be a presumption that it is viable and a stipulation that no further negotiations in relation to viability are to take place, other than in very exceptional circumstances.

**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?**

By policy compliant, we assume this to mean the 'at least 50% affordable housing' referred to in proposed new paragraph 155 of the NPPF. Given the text refers to at least 50% it would seem contradictory to then stipulate that no additional contributions for affordable housing should be sought on the grounds of viability. In some instances, it may be perfectly possible to deliver more than 50% affordable housing and this should be recognised in the new text inserted at Annex 4.

**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, but the cost of any such late-stage review should be borne exclusively by the applicant and not the local authority.

**Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?**

As proposed to be worded, the 'golden rules' relating to infrastructure and green space provision would apply equally to residential schemes and non-residential schemes which is appropriate. The only difference is in relation to the application of proposed criteria a) relating to affordable housing.

We have no firm view on this but it may be possible for other non-residential development to stipulate some form of alternative 'catch-all' benefit that would effectively act as a substitute for the affordable housing requirement that is intended to apply to residential development.

**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?**

So as to not impact on plans that have already reached an advanced stage of preparation, the proposed golden rules should only be applied to 'new' Green Belt release. As stipulated elsewhere under the proposed transitional arrangements for plan-making, in some instances, LPAs will be required to revise and re-publish plans that have reached the Regulation 19 stage, in which case those authorities would have the opportunity to consider how to apply the proposed 'golden rules' in any plan revisions that they are having to make.

In cases where there is no requirement to review and re-publish a local plan, it should be allowed to proceed to examination without consideration of the proposed new golden rules.

**Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?**

Only that it is unlikely to be possible to stipulate a single benchmark land value for greenfield and previously developed land within areas of Green Belt and that this would therefore be better expressed as 'no more than X times existing use value (EUV)'.

**Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?**

We support the concept of a potentially strengthened role for local authorities in assembling land to bring forward policy-compliant development.

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

In referencing the provision of at least 50% affordable housing subject to viability, the proposed golden rules could usefully specifically reference the provision of a proportion of social rented homes as part of this, in line with the proposed amendments to paragraph 63 of the NPPF.

**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, we are fully supportive of proposals to bring forward additional social rented properties as part of the overall delivery of new affordable homes. The proposed amendments will help to strengthen the expectation that the need for social rented properties is properly assessed and reflected in planning policy.

As set out in response to Question 46 above, we can see no reason why the proposed golden rules relating to the release of Green Belt land, should not stipulate that a proportion of the 50% affordable requirement should be in the form of social rented housing.

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

Yes. Whilst affordable home ownership options clearly have an important role to play, it should be a matter of local discretion and decision-making as to what proportion is sought rather than an arbitrary national minimum proportion.

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

Yes, for the reasons provided in response to Question 48 above.

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

No specific comment although First Homes have a valuable role to play and should continue to be recognised in national policy including in relation to exception sites.

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

Yes, mixed-tenure sites have a number of clear benefits and it is appropriate for national planning policy to provide stronger support in this respect without being overly prescriptive.

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

This should be a matter for local plan-making based on identified housing needs and stakeholder consultation.

**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 should be a matter for local plan-making based on identified housing needs and stakeholder consultation.

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

The current threshold of 5 units or lower for affordable housing provision in designated rural areas should be extended to apply to all rural areas – either in the form of on-site provision, where feasible and practical, or in the form of an off-site contribution.

The wording around the proportion of market homes on rural exception sites could also possibly be reviewed so that it is clearer that any such provision should be subsidiary to the provision of new affordable homes.

**Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?**

Yes, it is essential that the needs of looked after children are taken into account in assessing housing needs. However, clarity could usefully be provided (e.g. within the supporting PPG) on how planning policies can meaningfully influence the provision of accommodation to meet such identified needs.

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

Yes, the additional flexibility regarding the definition of community-led development is considered appropriate as is the ability for local authorities to set a different size-limit for community-led exception sites through local plan making. In referring to the 'development plan' it is assumed that footnote 39 is intended to apply to both local plans and neighbourhood development plans but this could usefully be clarified.

**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 current definition already recognises the potential for non-registered providers to come forward in relation to build to rent schemes and so it would seem sensible to expand this to apply to other forms of affordable housing for rent, potentially with specific reference to community-led development as set out in the consultation proposals.





**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?**

The 10% small-site requirement raises a number of potential difficulties for local authorities which perhaps explain why it has not been successfully applied 'on the ground'. In simple terms, the more allocations that are included in a local plan, the more objections tend to be raised, the more evidence needed to demonstrate soundness and the more complex the process becomes.

Smaller sites often raise issues around their cumulative impact on local infrastructure such that the infrastructure requirements of one large scheme of 1,000 homes will be much easier to identify and deliver than 100 allocations of 10 homes.

The consultation does not mention how many, if any local plans have been rejected on the basis of an insufficient number of small sites having been identified but it would be helpful to understand this.

Arguably, the national policy requirement could be strengthened and it could be made more explicit that plans will be rejected at examination if they do not make sufficient provision for a proportion of smaller schemes as part of their overall housing supply (i.e. option a as set out in the consultation).

However, this would require careful consideration so as to not impinge on plan delivery for the reasons outlined above.

Arguably greater clarity (e.g. a specific definition) of small and medium sites could assist although the same reasons for local authority reticence would probably remain.

It is not clear what is meant in the consultation by small-site strategy and so we are unable to comment on the merits of such an approach.

**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?**

Yes, the current references to 'beauty' and 'beautiful' are subjective and add little to the importance placed on well-designed buildings and places.

**Question 60: Do you agree with proposed changes to policy for upwards extensions?**

Yes. It was never clear why mansard roofs were singled out in particular and the proposed change to refer to mansard roofs as one form of upward extension are supported in seeking to achieve the same aim of maximising the use of existing space, whilst providing a much greater degree of local flexibility as to how this is best achieved.

**Question 61: Do you have any other suggestions relating to the proposals in this chapter?**

No.



**Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?**

Yes, the particular support now offered for modern economic uses is supported however the amended wording could be more neatly woven in as follows:

*'set criteria, and identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. This should include consideration of appropriate sites and space for commercial development which meet the needs of a modern economy such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics'.*

**Question 63: Are there other sectors you think need particular support via these changes? What are they and why?**

It would be helpful if green industries were to be specifically referenced here in recognition of the climate emergency and the economic potential that exists in this key sector.

**Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?**

Yes, subject to the setting of an appropriate threshold and any other specific requirements as appropriate.

**Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?**

We have no specific threshold suggestion, but would simply observe that it will be important for local authorities to retain the ability to determine the majority of any such applications and so the threshold should be set such that only the very largest proposals would fall under the NSIP regime.

**Question 66: Do you have any other suggestions relating to the proposals in this chapter?**

No.

**Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?**

Yes, it is entirely appropriate to afford significant weight on the provision of new, expanded or enhanced public service infrastructure when development proposals are considered.

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

Yes, the proposals relating to the provision of post-16 education and early year's provision are strongly supported.



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

Yes, it is essential that local authorities move away from a past-trend based 'predict and provide' approach and towards a more visionary 'decide and provide' approach. This is already being reflected in an increasing number of local transport plans including the Oxfordshire Local Transport and Connectivity Plan (LTCP5). As such, it will be helpful for such an approach to be embedded in the NPPF and any associated planning practice guidance.

**Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?**

National planning policy could usefully be amended to refer specifically to the concept of 'healthy place shaping' which could usefully be defined within the glossary of the NPPF and in any accompanying planning practice guidance.

Specific reference could also usefully be made to the use of Health Impact Assessments (HIA) both in plan-making and decision-taking.

The specific example provided in the consultation of avoiding hot food takeaways near schools is a helpful example to include as we understand some local authorities have successfully taken forward such policies, whilst others have failed at examination.

If the NPPF were to explicitly state that the locational aspects of development should take into account health considerations including the availability of healthy food choices, that would be very helpful in providing clarity to local authorities on what policies are likely to succeed at examination.

**Question 71: Do you have any other suggestions relating to the proposals in this chapter?**

No.

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

Yes, given the potential scale and nature of such proposals, it would seem appropriate that they are dealt with under the NSIP regime.

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

The proposed amendment to paragraph 160 is supported in strengthening the expectation that local authorities identify suitable areas for renewable and low carbon energy sources. The text (or accompanying practice guidance) could usefully be amended to clarify that this is referring to both the delineation of broad areas of suitability as well as specific sites.

The proposed amendments to paragraph 163 and 164 are also supported but could usefully be strengthened with cross-reference to the December 2023 Written Ministerial Statement on Energy Efficiency, making it clear that local authorities are able to set their own standards in excess of current and planned building regulations subject to specific caveats.

**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?**

An additional criteria should be added to the re-numbered paragraph 161 to ensure that in plan-making, local authorities take account of any such sensitivities in seeking to increase the supply and use of renewable and low carbon energy and heat.

Paragraph 164 in applying to decision-taking should be amended in the same way.

**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?**

Yes, for the reasons set out in the consultation paper, it would seem appropriate to increase the threshold.

**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?**

Yes, for the reasons set out in the consultation paper, it would seem appropriate to increase the threshold.

**Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?**

Not applicable.

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

National policy should be strengthened in a number of ways.

Firstly, in relation to the issue of new build development it should be made clear that local authorities can set energy efficiency requirements which exceed building regulations in line with the December 2023 Written Ministerial Statement.

Policy should be updated to refer to the use of water efficiency standards, making it clear that subject to evidence on water scarcity and viability, that local authorities can choose to introduce more stringent requirements that go beyond the current optional building regulations.

It should also be updated to emphasise the importance of an integrated approach being taken in relation to the water environment such that issues of flood risk, drainage, supply, waste water and efficiency are dealt with in a holistic manner.

National policy could also be stronger in relation to the issue of retro-fitting renewable and low carbon energy solutions, with specific planning practice guidance on how such issues should be approached in areas where there are heritage sensitivities.

Stronger reference should also be made in relation to the inter-relationship between local plan policy and nature recovery strategies. Current references to LNRS are very limited and could usefully be expanded to ensure that they are properly reflected through plan-making.

**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?**

In terms of plan making, West Oxfordshire District Council has recently partnered with Bioregional and Space Syntax in relation to the application of a zero carbon spatial planning tool to help inform the emerging West Oxfordshire Local Plan 2041. The tool will help to quantify the carbon emissions associated with different spatial strategy and development site options.

Whilst the tool is currently at the beta-testing stage, it is fully functional and expected to be released to the wider market within the next 12 months. The challenges to increasing the use of such approaches are likely to be resource constraints and consistency of approach between different authorities as well as broader understanding of methodology and outputs amongst stakeholders.

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

As per our response to Question 79, national policy should be updated to emphasise the importance of an integrated approach being taken in relation to the water environment such that issues of flood risk, drainage, supply, wastewater and efficiency are dealt with in a holistic manner.

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

See response to Question 78.

**Question 82: Do you agree with removal of this text from the footnote?**

No, we cannot see any reason for this footnote to be removed. It is entirely appropriate for agricultural land classification to be taken into account as one of a number of considerations in determining which sites should come forward for development.



**Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?**

Yes, linked to the issue of healthy place shaping, there should be stronger national policy support for the creation of healthier food environments, use of local food production (e.g. allotments and community gardens) and shortening of food supply chains.

**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?**

Water scarcity is a live issue for Oxfordshire and the wider south-east region and so we are fully supportive of proposals to provide greater water supply resilience. It is essential that the primary focus of Government action is on ensuring that water companies remedy existing deficiencies within the water supply infrastructure network (leaks etc.) and also seek to provide any necessary upgrades to supply and disposal at the earliest possible stage.

National planning policy should be strengthened to ensure that as part of the infrastructure planning work that accompanies local plan-making, that proper regard is had to the timely provision of supporting water infrastructure.

It may be appropriate for national planning policy to make reference to the use of Grampian planning conditions whereby the occupancy of development is restricted until the necessary upgrades to supporting infrastructure (e.g. foul water capacity) have been made.

On the basis that subsuming certain water infrastructure projects within the NSIP regime has the potential to improve the effectiveness and timeliness of delivery, we would be supportive of such intentions.

**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?**

See previous response to Question 84 above.

**Question 86: Do you have any other suggestions relating to the proposals in this chapter?**

No.

**Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?**

Yes, the revised criteria are succinct and clear, whilst providing flexibility and the ability for LPAs to put forward any exceptional circumstances. As such, they are supported.

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

No, we support the use of the revised criteria outlined in relation to Question 87.

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

Yes, this appears to be evidentially based and whilst the fee increase is not insignificant, it will remain a relatively small proportion of the overall cost of any such development.

**Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.**

No – we support the proposed increase to £528 for the reasons outlined above.

**If Yes, please explain in the text box what you consider an appropriate fee increase would be.**

We support the proposed increase to £528 for the reasons outlined above.

**Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?**

Yes

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

N/a

**Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.**

No.

**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.**

A fee should be payable for any application that involves time and resource on behalf of the local planning authority. Owners of listed buildings and buildings within Conservation Areas as well as those who own properties affected by a Tree Preservation Order (TPO) are made fully aware of the potential implications when purchasing those properties and so it would not be unreasonable to expect reasonable costs to be covered when any such applications are submitted.

As per our response to Question 95, planning fees should be localised through a local variation model which would enable each LPA to determine the most appropriate fees to charge within an overall national framework.

This would ensure that any fees are reflective of the nature and number of application types typically received by each authority.

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

Yes



**Please give your reasons in the text box below.**

To provide greater local discretion whilst set within an overarching national framework (i.e. a local variation model) – see response to Question 95 below.

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

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

**Please give your reasons in the text box below.**

This would provide a good degree of local discretion based on evidence of incurred costs and the type of applications that come forward whilst providing a degree of certainty for applicants by being set within a guideline national framework.

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

Yes, in principle and the adoption of a local variation model would allow this to happen based on evidence of incurred costs and the type of applications that come forward whilst providing a degree of certainty for applicants by being set within a guideline national framework.

**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?**

This should be a matter for local discretion based on a local variation model with each LPA required to assess and determine an appropriate increase set within a national framework of guideline fees.

**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?**

Climate, heritage, landscape, design and tree advice would all seem appropriate candidates for the application of wider planning fees, as these often require significant input and resource which will stray well beyond current fees, particularly for householder applications.

**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, the costs incurred by local authorities in dealing with NSIP projects are often significant and yet dealt with on an informal basis through planning performance agreements. The introduction of specific planning application fees would help to provide greater certainty for all parties and potentially better meet the actual costs incurred.

**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.**

Cost recovery through planning application fees should be in place for category 'B' and 'C' (host) local authorities who directly incur the greatest proportion of costs in dealing with such applications. The costs of any neighbouring authorities (categories A and D) should continue to be recovered through planning performance agreements.

We support the proposed flexibility of the arrangement whereby a planning fee can be waived in favour of a planning performance agreement where this is already in place or where the local authority determines this to be the more appropriate route.

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

No limitations should be prescribed. We support the use of a 'local variation' model for charging planning fees and this should be extended to include fees payable under the NSIP regime to provide an overarching national framework within which local authorities can then choose to set an appropriate local fee based on the scale and specific nature of the application proposed.

**Question 101: Please provide any further information on what 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.**

As outlined in response to the previous consultation questions above, in some instances, the nature and scale of NSIP proposals are such that significant LPA resources are required to facilitate the process, particularly for host authorities.

We consider that the Government should adopt a local variation model for the charging of planning fees and that this should be extended to include the NSIP regime. In doing so, the Government could usefully undertake some analysis of the costs incurred by engaging directly with host authorities involved in a selection of NSIP schemes. This would help to determine a suitable national guideline fee framework within which local authorities could then seek a local variation where appropriate and evidenced.

**Question 102: Do you have any other suggestions relating to the proposals in this chapter?**

No.

**Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?**

Whilst we support the proposed transitional arrangements in a general sense, it would seem appropriate to allow those authorities that have reached the Regulation 19 stage to proceed to examination under the current NPPF irrespective of any differences in housing requirement.

**Question I04: Do you agree with the proposed transitional arrangements?**

Yes, in particular the proposed extension of time from June 2025 to December 2026 for plans to be submitted and examined under the current plan-making regime. This is essential given the significant implications associated with the proposed new standard method.

**Question I05: Do you have any other suggestions relating to the proposals in this chapter?**

No.

**Question I06: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?**

No.