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|  <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p> | <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p> |
| <p>Name and Date of Committee</p> | <p>EXECUTIVE – 11 SEPTEMBER 2024</p> |
| <p>Subject</p> | <p>PROPOSED REFORMS TO THE NPPF AND OTHER CHANGES TO THE PLANNING SYSTEM</p> |
| <p>Wards Affected</p> | <p>ALL</p> |
| <p>Accountable Member</p> | <p>Councillor Hugo Ashton – Executive Member for Planning Email: hugo.ashton@westoxon.gov.uk</p> |
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| <p>Report Author</p> | <p>Chris Hargraves – Planning Policy Manager Email: chris.hargraves@westoxon.gov.uk</p> |
| <p>Purpose</p> | <p>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.</p> |
| <p>Annexes</p> | <p>Annex A – Draft Consultation Response</p> |
| <p>Recommendations</p> | <p>That the Executive resolves to:</p> <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. |
| <p>Corporate Priorities</p> | <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 |
| <p>Key Decision</p> | <p>NO</p> |

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| 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)

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 is 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?

TBC

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?

TBC

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.

TBC

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.

TBC

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 104: 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 105: Do you have any other suggestions relating to the proposals in this chapter?

No.

Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

No.

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