



Chelmsford City Council Cabinet

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Reforms to the National Planning Policy Framework (NPPF) – Proposed Consultation Responses

Report by:

Cabinet Member for a Greener Chelmsford

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Purpose

To consider the Council's responses to the Government's consultation on proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system.

Options

1. Support the proposed consultation responses
2. Not support the proposed consultation responses
3. Support in part and/or amend the proposed consultation responses

Recommendations

It is recommended that the responses to the consultation questions set out at Appendix 1 are supported and sent to Government as this Council's formal response.

1. Introduction

- 1.1. This report outlines the key proposed changes to the National Planning Policy Framework (NPPF) and a series of wider planning reforms published for consultation by government. The report goes on to set out the Council's proposed responses to the consultation.
- 1.2. The consultation documents can be accessed via the link below:
www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system
- 1.3. This comprises a consultation document, a tracked changes version of the NPPF and a spreadsheet of the outcome of the proposed revised standard method for housing need numbers for all local planning authorities.

2. Background

- 2.1. The Government sets out national planning policy within the NPPF. This is the starting point to produce council's local plans and their decisions on planning applications.
- 2.2. Originally published in 2012, the NPPF has been updated several times since, with the latest version published in December 2023.
- 2.3. The changes to the NPPF were published for consultation on 30 July 2024 with a closing date of 24 September 2024 for receipt of comments. The consultation includes a series of 106 specific questions. The questions and the proposed responses are set out at **Appendix 1** of this report.

3. Key Consultation Proposals

- 3.1. The consultation sets out specific changes to the NPPF which include measures to seek to achieve universal national local plan coverage, economic growth and the building of 1.5 million homes over the next five years.
- 3.2. The consultation focuses on changes to the existing plan-making system and proposals for future strategic plans covering cross-boundary matters. The Government is consulting on changes to the Government's standard method formula for determining housing need for each council area and making that mandatory. It also proposed a different approach to the release of Green Belt for development through the introduction of the new term of Grey Belt. The consultation proposes support for economic growth particularly those meeting the needs of a modern economy.
- 3.3. Although not directly covered in the NPPF, the consultation also seeks feedback on changes to planning fees and cost recovery for councils

consulted on Nationally Significant Infrastructure Projects (NSIPs) applications.

Plan-Making

- 3.4. The new NPPF proposes to strengthen sanctions to ensure universal coverage of local plans with new transitional arrangements for local plans at an advanced stage of preparation within 200 dwelling pa of new housing number and published at Regulation 19 within one month of final NPPF being published.
- 3.5. Introduction of new statutory Spatial Development Strategies (SDS) to replace the existing Duty to Cooperate which will provide a strategic cross-boundary strategy for housing, infrastructure, economic growth and climate resilience. This will require new legislation to come forward.

Response Summary

- 3.6. More certainty is required in the transitional arrangements for authorities such as Chelmsford City Council that are very well advanced with their local plans, and can meet the higher housing numbers but potentially not comply with the very short implementation period of one month from final NPPF publication. The Government have indicated that the NPPF will be published before the end of 2024. This implementation period should be extended to six months to allow councils such as Chelmsford to progress with their local plans.
- 3.7. Officers support the drive to universal Local Plan coverage and increased strategic planning. Further thought is needed on the geography of Spatial Development Strategies in areas without elected majors. Without effective governance, there is a danger that progression and agreement on these new strategies will be dictated by the pace of the slowest authority. Post-covid, functional economic areas are less identifiable for a significant number of sectors in the economy. Housing Market Areas should be part of the determining factor as they broadly correlate with areas with similar development viability.

Housing Numbers and Delivery

- 3.8. The proposals seek to make the new standard method for housing number mandatory and change the formula to increase housing in areas of high demand/low affordability across a wider range of urban areas and remove the previous cap. This leads to a significant increase to Chelmsford's future housing need requirements from an existing average of 953 homes per year to 1406 homes per year.

- 3.9. The consultation reinstates the rolling five-year housing land requirement to be applied irrespective of whether there is an up-to-date local plan in place and reinstate the universal requirement for a 5% buffer in the calculation.
- 3.10. The proposals seek to improve the operation of ‘the presumption’ in favour of sustainable development, to ensure it acts an effective failsafe to support housing supply, by clarifying the circumstances in which it applies; and, introducing new safeguards to make clear that its application cannot justify poor quality development.
- 3.11. Make wider changes to ensure that local planning authorities can prioritise the types of affordable homes their communities need on all housing development and that the planning system supports a more diverse housebuilding sector. This includes the removal of the existing mandatory proportion of First Homes within the affordable housing requirement.

Response Summary

- 3.12. The change of the baseline for the housing needs standard method formula from household projections to existing total dwelling stock is sensible as it reduces historic fluctuations in population and household projections. However, the removal of the cap to avoid excessive increases and changes in the affordability factors has led to a significant 54% increase for Chelmsford compared to the existing formula.

Method	Dwellings per annum
Existing Standard Method	917 (average 953)
New Standard Method	1406

- 3.13. A key Government objective is to increase housing supply to improve affordability. The Council has a fundamental issue with this premise. Firstly, councils will not be building most of these homes, it is private developers. Secondly, it is not in the interests of volume housebuilders that control the housing market to increase supply to an extent where it materially affects values and in turn their profit.
- 3.14. The Council shares the Government’s objective to urgently address the housing crisis, but without specific action on development viability and subsidy for affordable housing, the uplift in housing numbers will not be deliverable and fail to address the housing crisis.
- 3.15. The focus should be to ensure that the percentage of affordable housing required through the grant of planning permission is always delivered. To ensure this happens, affordable housing grant from Homes England must be able to be used on S106 sites where there is an evidenced viability gap and viability assumptions must be changed to capture more of the value uplift created by grant of planning permission for public benefit rather than shoring-up developer profit.

- 3.16. Alongside the proposed increases in housing numbers in Chelmsford, there need to be firm commitments of government infrastructure funding, such as the A12 widening, Army and Navy Sustainable Transport Package, active/sustainable transport network alongside community and healthcare improvements.
- 3.17. The inclusion of 5% buffer on the five-year land supply is sensible. It is understood why the Government wish to reinstate the rolling five-year land supply to always be operable. However, consideration needs to be given to local residents' and businesses' trust in the planning system if a Local Plan is able to be ignored from its adoption. This might be because of deliverability factors outside of the control of the Council which then encourages unplanned and speculative development.
- 3.18. To guard against this scenario an implementation period of at least 18 months should be applicable from the date of the adoption of Local Plans whereby five-year land supply cannot be challenged.

Brownfield Land and Green/Grey Belt

- 3.19. The proposals seek to broaden the existing definition of brownfield land, set a strengthened expectation that applications on brownfield land will be approved and that plans should promote an uplift in density in urban areas.
- 3.20. The consultation seeks to identify a new classification of 'Grey Belt' land within the Green Belt, to be used in the planning system through both plan and decision-making to meet development needs. There are proposed 'golden rules' for development in land released in Green Belt – 50% affordable, with appropriate proportion being social rent, but this would be subject a viability test using a new Green Belt benchmark land value. Proposals for compulsory purchase for housing are also outlined.

Response Summary

- 3.21. The Council supports the continuing objective to prioritise brownfield sites but because of the existing use value of brownfield sites and changes in Building Regulations, there needs to be an acknowledgement that development viability will affect many of these.
- 3.22. The Green Belt has proved to be one of the most successful planning tools to curb the unsustainable expansion and coalescence of cities and towns. It is also one of the most misunderstood as the designation has nothing to do with the landscape/natural value of land.
- 3.23. The unintended consequence of the Green Belt is that there are very sustainable locations within its boundaries which have a blanket policy of development constraint. The 'golden rules' for Green Belt releases such as

50% affordable housing are supported but should not be dependent on viability as land value uplift in the Green Belt must cover these requirements and should not be measured against a bespoke benchmark land value.

- 3.24. There should not be a compulsion on councils to undertake a Green Belt review where it is not required to meet their development needs. Defined as areas not meeting the objectives of the Green Belt, Grey Belt has the danger of being just as misunderstood as Green Belt. There are also concerns that landowners may purposefully degrade or misuse their land in an attempt to prove that it should be considered Grey Belt. The term Grey Belt does not help as in reality the term covers areas of the Green Belt that do not fulfil in full or part the purposes of the Green Belt and can achieve sustainable development.

Economic Growth and Climate Change

- 3.25. The consultation proposals are relatively narrow on matters related to economic growth. There is specific referral to the needs of a modern economy including laboratories, gigafactories, datacentres, digital economies and freight and logistics.
- 3.26. The proposals reaffirm the Government's decision to remove the embargo for onshore wind generation projects. The consultation also poses questions on how planning policy can do more to address climate change mitigation and adaptation.

Response Summary

- 3.27. Although important, the economic sectors identified should not be seen as the only sources of future employment. 90% of the 8,500 businesses in Chelmsford employ fewer than 10 people.
- 3.28. In response to the climate change proposals, Government policy should go further by requiring all new buildings to be net-zero in operation and take measures to significantly reduce embodied carbon in construction materials and methods.

4. Conclusion

- 4.1 The proposed changes to the NPPF are wide-ranging and are seeking to affect urgent change in particular, the way new homes are planned for. However, increases in proposed mandatory housing numbers must ensure that much needed affordable housing is delivered that meet those most in need of housing.

- 4.2 To enable the step change in the delivery of new homes, the Government needs to make significant investment in infrastructure provision and subsidy to deliver affordable housing which is not covered by the consultation.
- 4.3 The reintroduction of statutory strategic plans are welcomed as these can address cross-boundary matters more effectively than individual council's local plans. More flexibility on the type of affordable housing is also welcomed with the removal of a mandatory percentage of First Homes.
- 4.4 The most pressing matter for the progression of Chelmsford's Local Plan are the proposed transitional arrangements. These need to be amended to ensure councils such as Chelmsford that are well advanced with their plan-making are allowed to continue rather than having to start again with all the associated cost and delay that will arise.
- 4.5 The detailed responses to each of the consultation question are set out at Appendix 1 of this report.

List of appendices:

Appendix 1 – Responses to Consultation Questions

Background papers:

Proposed reforms to the National Planning Policy Framework and other changes to the planning system (MHCLG)

National Planning Policy Framework: draft text for consultation (MHCLG)

Outcome of proposed revised method (MHCLG)

Corporate Implications

Legal/Constitutional:

The consultation is proposing a new legal framework for plan-making

Financial:

Potential significant additional cost if the Council is unable to proceed with Local Plan through transitional arrangements. Potential increases to planning fees which could include full cost recovery.

Potential impact on climate change and the environment:

The consultation proposals are seeking feedback on changes to planning policies that could further help address climate change.

Contribution toward achieving a net zero carbon position by 2030:

There are no immediate net zero carbon contributions arising from the consultation, however positive impacts are envisaged if the proposals are introduced.

Personnel:

There are no immediate direct staffing implications arising from this report.

Risk Management:

The consultation proposals could affect the route for reviewing and updating the Council's Local Plan

Equality and Diversity:

The consultation seeks feedback on any potential impacts that might arise under the Public Sector Equality Duty

Health and Safety:

There are no direct health and safety implications arising from this report

Digital:

There are no immediate direct digital implications arising from this report. The Government has indicated increased use of digital communication in the planning system

Other:

None

Consultees:

CCC - Development Management, Economic Development and Implementation, Strategic Housing Services

Relevant Policies and Strategies:

Chelmsford Local Plan 2013-2036
Our Chelmsford, Our Plan, January 2023
Chelmsford Climate and Ecological Emergency Action Plan

Proposed reforms to the National Planning Policy Framework and other changes to the planning system

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

Yes, to remove the uncertainty created by the December 2023 changes.

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, to remove the uncertainty created by the December 2023 changes.

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

Yes, we agree that spreading the uplift across a wider geographical area makes sense.

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

Yes, we agree that there are sufficient existing safeguards to ensure uplifts in the average density in residential development do not result in inappropriate outcomes.

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.

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

Yes, it provides more clarity whilst adding protection against poorly located / designed development and prioritising the delivery of affordable homes.

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?

Yes, as a pro-growth authority with a strong track record of housing delivery we chose to continue to publish a five-year land supply in April this year. We have not interpreted the existing planning practice guidance to provide a means of using previous over-supply to reduce upcoming supply, despite currently demonstrating an over-supply of 863 homes at April 2024. Consideration needs to be given to local residents' and businesses' trust in the planning system if a Local Plan is able to be ignored from its adoption. This might be because of deliverability factors outside of the control of the Council which then encourage unplanned and speculative development.

To guard against this scenario, an implementation of period of at least 18 months should be applicable from the date of the adoption of Local Plans where five-year land supply cannot be challenged.

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

Yes, we recognise the chronic need for housing in all areas and have responded accordingly.

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?

Yes, this represents an appropriate approach that we have continued to adopt.

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

Yes, 5% is an appropriate buffer.

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

Yes.

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

Yes, strategic planning is an important tool that has been lost since the revocation of Regional Plans to guide strategic development and infrastructure provision. More clarity is urgently required on the Government's proposals for the Infrastructure Levy and any changes to the S106 process to secure infrastructure and financial contributions. Although not perfect, the current process of S106 and CIL has helped fund important elements of infrastructure which are unlocking major regeneration e.g. [Chelmer Waterside Bridge](#) and [Beaulieu Rail Station](#).

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

The tests of soundness should recognise that it is not possible to foresee and quantify all requirements of strategic scale proposals which take decades to come to fruition.

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

No

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?

Yes, because it aims to reduce debate on fluctuations associated with demographic forecasts as the starting point for the calculation.

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?

Yes, as the multiplier fluctuates on an annual basis and in plan making terms, we have already chosen to review the average outcome of the local housing needs calculation to try and overcome this issue.

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

Yes, the context of the national housing crisis which Chelmsford City Council has formally acknowledged/declared locally.

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?

Whilst we recognise the logic of this question, we are unsure of how this could be applied. The private rented sector is complex and can vary from area to area for different reasons, i.e. size of the stock, standards of the housing and management of the stock, accessibility of the stock to households in receipt of benefits, mobility and security within the stock etc. Therefore, it is difficult to consider a method that captures private rented affordability alone as a measure that should drive dwelling targets for a locality. Assuming a higher housing number of private rented housing will address these issues isn't necessarily the case without wider reform. Also, as currently drafted the Planning Practice Guidance on Built to Rent housing poses a significant threat to the delivery of affordable housing which enables local authorities to meet their statutory housing duties and the premise that more housing should be delivered of this tenure is problematic for local housing authorities without key changes to the drafting of the Build to Rent Planning Practice Guidance (See our response to question 51 for further explanation).

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

We agree with the Government's desire for substantially more affordable homes. However, just increasing the standard method number will NOT deliver the step change increase the Government wants.

Using the proposed standard method for assessing housing need, Chelmsford's number increases by 54%. The Council shares the Government's objective to urgently address the housing crisis, but without specific action on development viability and subsidy for affordable housing, the uplift in housing numbers will not be deliverable and fail to address the housing crisis.

As affordability is the main driver of this increase the Government must introduce policy changes and funding to ensure affordable housing, in particular social rented units, can be delivered through the planning system. The premise that increases in the supply of all housing improves affordability is fundamentally flawed. This is

because the housing market is controlled by a small number of volume housebuilders who after planning permission is granted control supply and in turn house prices. The focus should be to ensure that the percentage of affordable housing required through the grant of planning permission is always delivered. To ensure this happens, Homes England affordable housing grant must be able to be used on S106 sites where there is an evidenced viability gap and viability assumptions must be changed to capture more of the value uplift created by grant of planning permission for public benefit rather than shoring-up developer profit.

This increase in the housing need number is substantial for Chelmsford and will be the highest annual requirement in Essex, and without Government introducing structural changes to the way affordable housing is funded and delivered it will not create a step-change in the delivery of affordable housing that is so desperately needed.

The scale of increase will create significant demand on existing infrastructure. Increases of housing at this scale need to be matched with firm commitments to government infrastructure funding, such as the A12 widening, Army and Navy Sustainable Transport Package, active/sustainable transport network improvements alongside community, education and healthcare improvements.

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

No, not if the brownfield land is poorly located in the countryside and would not make a significant contribution to housing need.

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?

No, current wording better supports the delivery of affordable housing in the 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?

A proper national assessment is required to assess the need for glasshouses in the future. Making it easier to redevelop them for other uses before this happens seems the wrong way around.

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

Green Belt has proved to be one of the most successful planning tools to curb the unsustainable expansion and coalescence of cities and towns. It is also one of the most misunderstood as the designation has nothing to do with the landscape/aesthetic value of land.

Essentially the consultation proposals state that Grey Belt are areas of land that do not meet in full or in part the purposes of the Green Belt to be assessed through an objective review of the Green Belt. The term Grey Belt has the danger of being just as

misunderstood or misused as the Green Belt. There are areas of Green Belt land that are degraded/scruffy/unkempt, but they could perform very highly against the purposes of the Green Belt and should be protected i.e. importance of retaining openness, preventing coalescence through urban sprawl. The term Grey Belt encourages this misnomer and there are concerns that landowners may purposefully degrade or misuse their land to prove that it should be considered Grey Belt.

Rather than creating another level of confusing terminology, the NPPF should state that where LPAs are unable to sustainably accommodate their development needs outside of the Green Belt, a review of the Green Belt should be undertaken and sustainable locations which make a limited contribution to the purposes of the Green Belt should be considered for allocation for development. In order to ensure the integrity of the wider Green Belt is maintained this could be undertaken through cross-boundary Spatial Development Strategies.

The proposed golden rules for Green Belt releases such as 50% affordable housing are supported but should not be dependent on viability as land value uplift in the Green Belt must cover these requirements and there should be no opportunity for landowners or developers to reduce this.

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

Yes. Remove Grey Belt terminology as otherwise landowners are incentivised to degrade high-performing Green Belt land. Turn the issue around the other way e.g. land that only makes a limited contribution to the purposes of the Green Belt. It is difficult to purposefully degrade land to address these issues as land cannot be moved to another location in the Green Belt. However, land could be degraded to meet a perception of what Grey Belt means.

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?

This should be contained in 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?

Criterion b)iii is problematic and adds terms such as “urban land uses” and “physical development” which are not defined.

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?

The role of the Green Belt in wider nature recovery should be fully utilised.

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?

The sequential approach is supported, see responses to Q23 and Q24 with regard to Grey Belt terminology.

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

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?

No. Green Belt should only be released for normally inappropriate development through the Local Plan process.

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?

See response to Q30. Notwithstanding opposition in principle, it is very difficult to create a sound metric for other uses other than housing to trigger release of land for development as employment uses are footloose and more difficult to project.

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?

Traveller sites should be treated the same way as any other residential development within the Green Belt.

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?

Depends not only on the identified need but the ability of local planning authorities to meet the identified need in an appropriate way in their spatial strategy.

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

No, a clear national policy approach is welcome, but it should include a minimum requirement for affordable housing for rent to be reflected in land values and remove the scope for hope value to be included / negotiated on a site-by-site basis.

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?

Yes, the 50 percent target should apply to all Green Belt areas and include a minimum target for affordable housing for rent otherwise there will be hope value introduced and protracted negotiation on a site-by-site basis. This should not be subject to a viability test it should be a matter of principle.

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

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?

No, land value should not vary significantly on Green Belt land and will always reflect the scope for hope value/negotiations set out in national planning policy.

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

They shouldn't set a value – just a clear policy requirement.

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?

Government shouldn't set a benchmark land value – just a clear policy requirement including a minimum provision of affordable housing for rent, social rent where there is an evidenced need. The ability to use of compulsory purchase powers is welcomed in principle.

Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?

Yes, as consistency is key but subject to the above comments on the requirement to include a minimum amount of affordable housing for rent and reduce the opportunities for site-by-site negotiations through the publication of BLV advice.

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?

No. This will reduce the chance of development ever happening. Late stage reviews would become the default outcome for developers/landowners. In our experience they will protract negotiations on a site-by-site basis and rarely generate a contribution. Significantly they will not deliver on-site affordable housing contributions and only serve to exacerbate house price differentials in rural areas.

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?

Commercial development could be focused on particular sectors or sizes of units identified as locally needed. Traveller sites could be required to provide a higher proportion of affordable pitches.

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?

It seems practical to only apply the golden rules for Green Belt releases following the changes to the NPPF.

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

The variation in benchmark land values on Green Belt land should not be great enough to justify the publication of this advice and will 'bake-in' hope value in the development management stages of the planning process.

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

As most forms of development in the Green Belt are inappropriate, the focus should be achieving a positive Residual Land Value after applying all the policy requirements. The landowner incentive to bring the land forward for development must be based on this premise or as set out above hope value will be 'baked-in' to the process by default.

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

No.

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, although this will impact on the ability to deliver more affordable housing overall without capital subsidy from Homes England. Social rent housing is more important to secure to meet the needs of larger families requiring affordable housing for rent and depends on whether Registered Providers are happy to deliver mixed affordable housing for rent tenures within the same development sites.

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

Yes, and more specifically the exemptions provided by paragraph 66 when need is evidenced to exist.

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

Yes, given it is not supported by all developers and the impact on new affordable housing delivery within Registered Providers development programmes. First Homes also place a significant administration burden on local authorities which is not currently resourced.

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

If retained, it will be the preferred option (outside of the Greenbelt) from landowners/developers as it will generate a higher return than rural exception sites and community-led development on exception sites.

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

No, not without amendments to the Build to Rent Planning Practice Guidance and the operation of the Affordable Private Rent definition in Annex 1, which prevents local authorities from nominating to such dwellings which can significantly erode planning policies on delivering affordable housing for rent when promoted by developers and landowners.

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

Affordable homes have to be subsidised. This can either be by grant from Government via Homes England or from developer profits or allowing the local planning authority to capture the increase in land value from allocating a site. There is no other way. We would encourage a national policy on all sites over 10 units of a minimum 35% affordable housing. Then developers would have to take that into account when buying land and not give too much to landowners. Additionally, it would now be appropriate to reduce developer profit assumptions when assessing viability.

Spatially our Local Plan requires affordable housing to be provided in more than one single parcel except in schemes where the overall number of residential dwellings is below 15 units. On sites incorporating 30 or more residential dwellings, affordable housing should be provided in groups of no more than 15% of the total number of dwellings being provided or 25 affordable dwelling, whichever is the lesser.

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?

See response to question 52.

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

A 50% affordable housing requirement in the proposed Golden Rules for the Greenbelt would assist in delivering more affordable housing. If this question is targeting rural exception sites, that is affordable housing that is meeting the needs of

the rural community and for which an exception to the normal planning policies apply, Government could consider removing First Homes exception sites (see response to question 50 above). As part of the review, the Government should review the national designations of rural housing areas.

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

Yes, looked after children are already a consideration in our latest Strategic Housing Needs Assessment. Prioritising housing for social rent will impact on the delivery of affordable housing overall (see response to question 47 above) but should be examined as part of a Strategic Housing Needs Assessment.

Question 56: Do you agree with these changes?

Yes, the proposed changes to the definition of community-led development are logical if they related to a constituted community group. In the situation defined i.e. establishment of the development plan (only), an alternative limit would be a practical change.

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?

To remove the requirement for the landlord to be a registered provider would remove a layer of protection to tenants and therefore poses a significant risk. The inclusion of Affordable Private Rent makes it difficult for local housing authorities to deliver their statutory housing duties. The lack of nomination rights and the ability for this accommodation to be provided by non-registered providers necessitates protracted negotiations over planning obligations and engenders inadequate guarantees on the affordability and management of these dwellings. As per our responses to questions 18 and 51 we would urge the Government to review the definition and purpose of Affordable Private Rent accommodation alongside the relevant Build to Rent National Planning Policy Guidance. Locally, we require affordable rent to be capped at whichever is the lower of Local Housing Allowances levels or 80% of market rent so as not penalise future tenants that have lower incomes and to enable those in the greatest housing need to be assisted.

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?

A Local Plan relies upon a variety of evidence base documents therefore the reasons why the 10% cannot be achieved will vary accordingly. The site size of 1ha may be appropriate in urban areas where it could yield hundreds of units, but in rural areas the density will be much lower meaning potentially hundreds of small sites will be needed. The site threshold outside urban authorities should be 3ha. Small sites make little or no contribution to vital improvements in utilities and other critical infrastructure. For example, where schools and primary health care facilities are operating at capacity with existing households, the volume of development required

to deliver the necessary infrastructure to support new homes is at a volume where the distribution of housing on small or medium sites across a wider geographical area is simply not possible.

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 terms beauty and beautiful are more subjective than well-designed.

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

Well-designed upwards extensions that are in character with their host buildings and surroundings can be an important way of extending buildings in the right circumstances. It is agreed that these should not be perceived to be limited just to mansard roofs.

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?

Why have laboratories, gigafactories, data centres, digital infrastructure, freight and logistics sectors been identified and not others such as green energy, small and medium size businesses. Although it is worded as 'including' these forms of employment when applied this change could lead to arguments that these areas are priorities over others.

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

Small and medium sized businesses which in terms of business and employment are the mainstay of the economy. There should be more reference to the Green Industries.

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?

No, these types of development are of scale that should be kept in the existing control of LPAs.

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?

See response to Question 64.

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

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

Yes

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

Yes

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

Health and wellbeing should be designed from the outset. Chelmsford has a [Livewell Developer Accreditation Scheme](#) which places importance in these matters at the earliest stages of development proposals. The NPPF should allow local planning policies to control hot food takeaways near schools. The NPPF should be more explicit about requiring convenient and safe active travel routes to schools and promote liveable neighbourhoods.

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

The planning system should have more formal integration with health and wellbeing agencies and the NHS.

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

Yes

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

Yes

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?

Yes

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

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

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

No

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

Require all new buildings to be net-zero in operation and take measures to significantly reduce embodied carbon in construction materials and methods. Require developments to include carbon sequestration measures that can be as simple as on or off-site tree planting specifically for sequestration. In Chelmsford we are securing [three new trees](#) for every home built. Ensure that new development is well connected to existing or new active and sustainable travel which is available early on in developments.

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?

Further work and the formulation of standards are required to provide accurate whole-plan carbon assessments, otherwise they are tick box exercises. There is a wide range of understanding and prioritisation within the development industry.

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

Current national policy could be made clearer in particular how the effect of climate change will impact assessing flood risk.

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

Requiring the movement networks in new development to prioritise active travel modes and sustainable transport.

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

Without any qualification this could be misinterpreted and increases this issues weight over others within the NPPF. Areas of poor agricultural value in unsustainable locations could have an unwelcomed advantage, it is an important factor but cannot on its own be a determining one which removing the text could imply. Suggested edit below:

Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. This

should be one of the factors used to determine the location of development allocations.

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

Ensuring small scale community food production is part of new developments e.g. edible landscapes, community orchards, allotments and gardens.

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?

The inclusion of strategic water infrastructure projects into the NSIP regime is supported.

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?

National water efficiency measures should be prescribed, particularly in areas of water stress rather than optional Building Regulations. This should at least 90 litres per person per day for residential development and the WAT 01 BREEAM standard for non-residential development.

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?

Existing intervention powers have not been effective and there is no reason to see how the new criteria would be any different. Government should be working with LPAs that persistently fail to get Local Plans in place to identify the specific reasons that have led to this position.

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

Yes

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

Yes, without full cost recovery many of the objectives of the NPPF will never be met as councils cannot resource their planning departments effectively. Developers tell us they would welcome an increase in fees to enable LPAs to move quicker with applications.

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.

N/A

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

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

No – it should be higher than £528

No – it should be lower than £528

no - there should be no fee increase

Don't know

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

Yes, but the higher fee should just apply to extensions and larger projects rather than minor works such as outbuildings, fences and gates that fall outside permitted development. Councils should have powers to increase this fee further if they can demonstrate that the cost of dealing with these applications is higher (see answer to Q94)

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.

Yes. Prior Approval applications generally require a similar amount of local authority resource to deal with as planning applications and the fee should reflect this. S73 applications which propose significant changes from the planning permission also require significant resources to deal with. The fee for these should be 50% of the fee for the planning application.

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.

Yes. There should be a fee for Listed Building applications that reflects the work necessary to deal with them effectively. This could be reduced where there is a corresponding planning application for the works. A fee should also be introduced for applications for works to preserved trees and for responding to Telecommunications consultations.

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

Please give your reasons in the text box below.

Yes. This would ensure that the full cost of dealing with planning applications is borne by applicants, and that local planning authorities have the necessary resources to provide the level of service required by applicants. All local authorities have to

make difficult budget decisions and this would ensure planning fees are sufficient to fund the service and meet developer and applicant expectations.

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

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

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

Neither

Don't Know

Please give your reasons in the text box below.

Local variation. This would allow local planning authorities the option to set local fees for those applications where they propose a higher level of service or where the national fee is inadequate to deliver level of service expected by applicants.

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

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

Yes. The total cost of dealing with all types of application should be borne by application fees. This includes the costs of dealing with appeals which are a significant expense for local authorities. The requirement to ensure Local Plans and masterplans are prepared and kept up-to-date should also be considered as part of the wider cost of determining planning applications.

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?

The requirement to ensure Local Plans and masterplans are prepared and kept up to date should be considered as part of the wider cost of determining planning applications. This could also be an incentive for councils to ensure they have an up-to-date Local Plans.

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. These involve significant input from the local planning authority and a fee should be required unless there is a separate planning performance agreement which funds the input required from the local authority. A PPA is preferred as it can fully fund the amount of work expected from the LPA depending on the circumstances of the case.

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.

Input from specialist consultees such as the Highway Authority should be funded separately through agreements similar to a PPA. This would provide an incentive as well as funding to ensure consultee responses can be submitted in a timely fashion.

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

Local authorities should be required to justify their fees in relation to cost recovery but should be free to decide the level of service provided.

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

Full cost recovery will ensure local planning authorities have the resources to deliver the speed and type of service required by applicants and developers. The planning application fee is a relatively small part of the overall costs involved in development projects yet under-resourced LPAs are a major cause of delays in obtaining planning permission. Depending on the DCO project, Chelmsford has managed to negotiate PPAs on some of these which have been either fixed fees or timesheet based.

Adequate funding in itself will not resolve the general shortage of qualified / experienced planning professionals but will help LPAs develop strategies to recruit and retain staff with the right skills and abilities.

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

Yes. A fee should be introduced for appeals to the Planning Inspectorate, payable to the local planning authority to offset the cost to councils of dealing with appeals. The fee should be refunded where an appeal is successful.

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

We agree with the concept of "transitional arrangements", but they should apply for six months after the publication of the NPPF rather than the proposed one month. The proposed no more than 200-dwelling gap (the difference between the existing and new standard method housing numbers) is supported. Reducing it further would slow down Local Plans at an advanced stage of preparation. Those local authorities such as us - that have almost completed their Regulation 19 version and are close to the housing number produced by the new formula - should be allowed to complete the process. Otherwise, we face large abortive costs on our plan process, and encourage developer proposals which are not plan-led. We would need to go back a number of stages in Local Plan production i.e. Regulation 18 Issues and Options.

Following adoption of our Local Plan in May 2020, we are well advanced with its review. We have started work on our Regulation 19 version following two Regulation 18 stages with our Preferred Options stage including identification of proposed new sites, completed this June. We have scheduled a committee meeting this December for approval of the Regulation 19 Local Plan to enable publication by the end of

January 2025 allowing submission before the 30 June 2025 deadline. We have been working in good faith to meet this challenging timetable as set out in our Local Development Scheme published in 2023. We have met the key milestones to date.

In relation to the use of the amended standard method for the Local Housing Need number (LHN), we can comply with the proposed transitional arrangements providing the proposed criteria of a gap of 200 homes or less between the existing and new housing numbers is not changed. This is because our plan preparation to date has used a higher Housing Requirement than the existing standard method. In addition, our Preferred Options Local Plan has added a significant buffer by allocating about 20% more land for housing than our uplifted LHN, whilst maintaining a five-year housing land supply.

In this scenario, the gap between Chelmsford's proposed LHN and the amended standard method would be less than 200 homes per annum.

Therefore, it is the timing of the Regulation 19 publication of one month after the new NPPF is published that is our major concern, as that date is unknown. We understand it is the Government's intention to publish the new NPPF before the end of the year, which could mean that we miss being able to proceed using the transitional arrangements by a matter of weeks. For other Councils it could be a matter of a couple of months which in the timeline of preparing a Local Plan is also a short period.

This could be resolved by changing the implementation period to six months from the publication of the final NPPF and/or allow the Secretary of State the discretion to allow individual LPAs to proceed under the transitional arrangements.

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

See response to question 103 above.

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

See response to question 103 above.

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