

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

## BACKGROUND

The government believes that decisive reform to the planning system is needed to help achieve sustainable growth, and to this end has proposed modifications to the National Planning Policy Framework (NPPF). The modifications are intended to:

- make the standard method for assessing housing needs mandatory
- reverse changes to the NPPF made in December 2023 which were detrimental to housing supply
- implement a new standard method and calculation to ensure local plans support the delivery of 1.5 million homes over the course of this Parliament
- broaden the existing definition of brownfield land and set a strengthened expectation that applications on brownfield land will be approved
- identify grey belt land within the Green Belt to be brought forward into the planning system
- improve the operation of ‘the presumption’ in favour of sustainable development, to ensure it acts an effective failsafe to support housing supply
- deliver affordable, well-designed homes
- introduce new “golden rules” for land released in the Green Belt
- make wider changes to ensure that local planning authorities are able to prioritise the types of affordable homes their communities need on all housing development
- support a more diverse housebuilding sector
- support economic growth in key sectors
- deliver community needs to support society and the creation of healthy places, and
- support clean energy and the environment.

The government has also set out how and when it expects local planning authorities to create local plans that deliver high quality housebuilding and economic growth, and is calling for views on:

- reforming the way that the Nationally Significant Infrastructure Projects (NSIP) regime applies to onshore wind, solar, data centres, laboratories, gigafactories and water projects
- whether the local plan intervention policy criteria should be updated or removed, and
- proposals to increase some planning fees.

The government considers that introducing these reforms is a necessary step in bringing stability and certainty to the planning sector. The government argues that acting swiftly in this area will deliver on manifesto commitments and ensure that local authorities, developers and investors understand how the planning system is expected to function over the course of this Parliament. There will also be further planning policy changes through modifications to the National Development Management Policies and the Planning and Infrastructure Bill.

The consultation on these proposals closed at 11.45 pm on 24 of September. Further information about the proposals can be found [here](#).

This document contains The Vale of White Horse’s response to the proposal, submitted via webform on 24 September 2024.

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

The council does not support the reversal of those elements of the December 2023 changes to the NPPF which provided flexibility for local planning authorities to take account of their individual circumstances when establishing housing need.

**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?**

The council does not agree with the removal of the reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF. There may be important local circumstances that justify an alternative housing need calculation. Deleting this reference would disregard these local circumstances.

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

The council does not believe that the December 2023 changes relating to urban uplift should be deleted. Housing should be located where demand is highest, sustainable communities can be created and (ideally) where infrastructure, amenities and facilities already exist – namely in major towns and cities.

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

The council does not agree that the changes made on character and density should be reversed. While we agree in principle with efforts to increase density in urban areas (to ensure the efficient usage of land and the creation of sustainable communities), we do not believe that this will be successfully delivered by inappropriate development which is out of character with the surrounding area.

**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, we do 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.

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

The council is concerned that the changes giving primacy to land supply in the presumption in favour are a retrograde step. The proposals are likely to result in poorly planned, ad hoc development without the necessary infrastructure. We question whether it is the “chronic undersupply of land” that has underpinned the housing crisis, as this does not chime with our experience locally where we have allocated for a healthy surplus of land, but developers are choosing when to bring it forward influenced by market factors.

**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?**

The council does not agree that all local planning authorities, regardless of plan status, should be required to continually demonstrate 5 years of specific, deliverable sites for decision making

purposes. Councils should be protected from the presumption in favour of sustainable development when they have well-developed or up-to-date plans. For a newly adopted local plan, having an exemption for five years is an incentive to keep plans up to date, and allows the necessary time for housing proposals on newly made allocations to work their way through the pre-application and application process. Allowing alternative non-allocated sites to be permitted via the presumption during that time could lead to market saturation locally and jeopardise delivery on the allocated sites.

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

No. Local authorities should be able to set past over-supply against upcoming supply. Where authorities have delivered significant number of homes previously, this should be recognised either through the five-year housing supply calculation or through the overall housing requirement. The suggested changes would disadvantage local authorities that have delivered above the required number of homes. It would also remove a degree of flexibility from the system by preventing local planning authorities from mitigating potential issues and problems by over-performing against their targets. It could even incentivise authorities with large peak years of expected housing delivery to push back housing delivery to spread it over the plan period.

**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, we do not agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations. This additional stipulation would mandate that councils had to find sites to accommodate additional homes that are not needed. It would also make it more difficult to meet the necessary requirements regarding housing land supply calculations, potentially opening the way for challenges and unwanted speculative development.

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

N/A

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

Yes, we agree with the removal of policy regarding Annual Position Statements.

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

While the council recognises the need for effective co-operation on cross boundary and strategic planning issues, we are concerned about these proposed changes. Vale of White Horse strongly believes that development decisions should be determined by local elected members who have the best interests of their areas at heart. We are concerned that these modifications are the catalyst for creating more remote/strategic planning bodies which will impose decisions upon local authorities. We are already working on a Joint Local Plan (reaching Reg 19 stage) between South Oxfordshire and Vale of White Horse. We already have the Future Oxfordshire Partnership and all councils in Oxfordshire have signed up to a Strategic Vision. With arrangements in place for working with other local planning authorities and the county council we see no need for new additional spatial plans with unknown governance arrangements which could slow down local plan progress.

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

Yes, the tests of soundness should be amended to better assess strategic scale plans or proposals. This should help to ensure that, despite their longer-term nature, they remain realistic, effective and deliverable.

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

The changes proposed to the NPPF will make demonstrating sufficient housing supply by local authorities more challenging and encourage applicants to bring forward speculative development. This will further undermine public confidence in the planning system. Further, the confirmation of additional modifications to bring about the universal coverage of strategic planning within this Parliament are counterproductive in that they could slow down local plan-making. Vale of White Horse firmly believes that planning decisions should be made by democratically accountable, local representatives who understand the needs and concerns of their communities.

**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?**

The council does not agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock. A baseline for the standard method which utilises housing stock levels rather than household projections will not provide an indication of future need but will instead reflect factors like past housing delivery.

The proposed baseline for the standard method also does not take into consideration whether homes can actually be delivered. The new targets arising from the new standard method would require a level of housebuilding that has not been seen in decades. It is unlikely that the sector has the capacity to deliver this level of housing in the short-to-medium term and, therefore, the higher housing targets will almost certainly be missed.

**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. Although the workplace-based median house price to median earnings ratio is used by the existing standard method, the earnings data can be statistically unreliable at a local area level. Further, house price data is heavily influenced by what stock is bought and sold. This will often be more expensive in rural areas, given the dynamism around second home ownership and the greater mobility of higher earners. A workplace-based lower quartile house price to lower quartile earnings ratio would be a better reflection of the challenges around affordability.

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

The affordability adjustment is given too much weight within the proposed standard method. Affordability is an important factor; however, it needs to take into account the local characteristics and economy of the area, including average earnings. Therefore, while the council agrees that there is a need to give a greater consideration to affordability, we have concerns about uplift accounting for 45% of the overall need within the proposed standard method.

**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?**

Given the number of households who live in the rental sector and the issues they face regarding affordability, we do believe that rental affordability should be considered when determining the standard method. Nevertheless, there needs to be a clear and up-to-date evidence base which informs this, informed by average earnings and taking into consideration relevant rent caps.

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

The proposed method for assessing housing needs appears to have thrown up some anomalies which we think are hard to justify. Under this new measure, the housing target in Vale of White Horse has increased by 48%. In comparison, established major urban areas nearby (Oxford, Reading, Swindon) have relatively small uplifts in terms of the percentage of houses they are expected to build.

London is the least affordable part of the country and, therefore, we are surprised that the housing target for the capital has been reduced. This is where demand is strongest and, consequently, should be where the greatest efforts should be focused. Homes should be built where they are required (in this case London) not just where they can be more easily – or cheaply – delivered. Moreover, the reason given for reducing London's housing target – that the delivery of that many homes is unrealistic – does not seem to have been a consideration when determining the demands placed on other regions and local authorities. Addressing the issues of affordability in London and its immediate environs will go a long way to solving the wider problem across the broader South East region.

While the council recognises that HM Government is committed to increasing the number of homes delivered nationally and has made a commitment to delivering 370,000 homes each year, we haven't seen a statistically-based explanation of the reason for selecting 370,000 as opposed to any other annual figure. In any event, the share of the national target should fall more greatly on areas which have failed to build, not those which have already built at very high levels.

**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, we agree to the proposed change set out in paragraph 124c. The council believes that brownfield sites should be prioritised and that development proposals on previously developed land should in principle be viewed positively. We do, however, emphasise the importance of local representatives having their voices heard when it comes to any decisions.

**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, we do not agree with the proposed change to paragraph 154g. The council believes that development – even on PDL – within the Green Belt should be kept to a minimum. Any proposal should have to meet strict criteria - not just a rather broad definition of substantial harm.

**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?**

The changes proposed seem unlikely to be helpful, as the definition already includes 'fixed surface infrastructure' (which would seem to include 'hardstanding'). Furthermore, glasshouses are very unlikely to be in locations that would be suitable for non-agricultural/horticultural development.

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

The council does not agree with the proposed definition of grey belt land – it is too subjective and open to interpretation. We believe it will lead to a more permissive approach to development in the Green Belt and lead to speculative applications. Further, if pockets of land come out of the Green Belt, this could be used to weaken the protections in the remaining Green Belt areas around them.

The Green Belt definition has stood the test of time. Therefore, we do not agree that there is any reasonable justification for altering the current designation. Green Belt boundaries can be reviewed through local plan reviews as needed. There is no need to undermine and downgrade the Green Belt system which is a central tool of strategic spatial planning.

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

It is not clear what exactly is meant by the term ‘high performing’. Until this issue is addressed it would be inappropriate to comment further.

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

Yes, we do agree that additional guidance to assist in identifying land which makes a limited contribution to Green Belt purposes would be helpful. The proposed definition is too subjective and open to interpretation. If ‘grey belt land’ is going to be released, then it needs to reach certain defined criteria that will prevent the unnecessary release of parts of the Green Belt for development. The council believes that this should be contained within the 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?**

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.

**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?**

Local Nature Recovery Strategies (LNRS) should be developed following a consistent objective methodology. Where evidence indicates that areas of the LNRS are suitable for the creation of certain habitats or, for the enhancement of species populations then that area would be included in the Local Habitat Map. The existing Local Nature Recovery Strategies Statutory Guidance (paragraph 82) already suggests that responsible authorities “should actively seek to target areas that could become of particular importance inside the Green Belt”. It appears therefore that the existing government guidance already seeks to ensure that LNRS take an active role in enhancing the green belt.

As LNRSs are a new requirement on local authorities it remains to be seen how effective LNRS will be in identifying areas of green belt for enhancement. In our view the government should wait until the first round of LNRS are published before adding any strengthened guidance or legislation.

**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 council does not agree that the proposals support the release of land in the right places. There is a potential conflict between focusing attention on “previously developed and grey belt land” (which may well be in locations isolated from services and public transport) and the desire to ensure development “in the right places”. There appears to be an assumption that grey belt land is automatically in a sustainable location. In reality, and by its very nature, green belt (or grey belt) land is often a significant distance from settlement centres and thus often from key services and facilities.

**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?**

While emphasising our reluctance to release land in the Green Belt, we do agree with HM Government’s proposal that the release of land – if approved – should not fundamentally alter the function of the Green Belt across the area of the plan as a whole. However, while it could be argued that each proposed individual release would not “fundamentally” undermine the Green Belt, if it formed part of a larger series then it undoubtedly would have a destabilising impact on the Green Belt.

**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 council does not agree with the proposed approach to allowing development on Green Belt land through decision making. We do not believe that the proposed changes will be effective and could lead to the inappropriate and unnecessary development on Green Belt land. The council proposes that the suggested paragraph regarding the circumstances where development on Green Belt will not be considered inappropriate is not inserted – it is simply too broad and, therefore, open to interpretation. Moreover, basing one of the criteria on the delivery of housing – something which local authorities have limited control over – could lead to further issues.

**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?**

While emphasising our reluctance to release land in the Green Belt, we are supportive of this approach in principle. 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?**

We would urge HM Government to consider updating the Gypsy and Traveller Accommodation Needs Assessment guidance dated 2007. Adopting and promoting updated guidance will ensure consistency of approach and fairness for all interested parties.

In addition, there is a history of HM Government not releasing updates of other supporting guidance and subject specific policy papers at the same time/in a short time, after changes to the NPPF, leaving decision makers with conflicting documents to work through. We would therefore suggest that all relevant documents that fall from the NPPF are updated and published in a short a period as possible.

This update is an opportunity to incorporate the Planning Policy for Traveller Sites (updated Dec 2023) into the NPPF as suggested in para 6 of that document. If it chooses not to take this opportunity then HM Government needs to address any inconsistency that may arise e.g. with Policy E paras 16 and 17 of that document.

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

Yes, in our opinion it would seem appropriate to stipulate a high proportion of affordable housing yet still leave the proportion of different tenures to local discretion. We believe that Social Rent will be a key product to address affordability in the rented sector within our district.

**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 50 per cent target should apply to all Green Belt areas. This land would not normally be released for development, so it is reasonable to expect that both the hope value and the benchmark land value should be lower. In the council's view, it should be house prices, and not land prices, that should determine whether any flexibility is required.

**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. All that is currently required in the proposal as worded, is the provision of new or improved green space that is accessible to the public.

There is an opportunity to use biodiversity net gain (BNG) to deliver significant enhancements for nature in the Green Belt. This could apply when local authorities identify 'grey belt' or seek to release other areas of land from the Green Belt by requiring them to deliver a higher percentage of on-site BNG for these areas. This would either be a requirement to deliver a % of BNG higher than the national statutory 10% or, in cases where local authorities already have policies requiring rates of BNG in excess of 10%, an uplift on the local policy requirements.

**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?**

The council does not believe that HM Government should set specific benchmark land values due to the likely difficult of achieving this across a wide area with significant variables. We do,



however, feel that 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.

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

N/A as the council does not believe that HM Government should set specific benchmark land values.

**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. Actions that achieve a realignment of land value expectations and remove 'hope value' expectations in the UK would remove a significant barrier to delivery of Affordable Housing.

**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?**

We agree insofar as policy should set clear requirements for high levels of 'affordable' housing. However, the use of section 106 agreement funding is a valuable source of income enabling local authorities to build affordable homes. If this is not available, alternative income sources need to be provided or the policy will have adverse consequences.

**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, the council does agree in principle. We do, however, believe that 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 worded in the proposals, 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?**

To avoid impacting 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)?**

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'.

**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?**

No further suggestions.

**Question 47 – Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?**

Yes. It would help to provide a clearer picture of the specific rented tenure requirement of those in housing need and provide insight into genuine affordability issues within the district's rented sector and whether these are attributed to any particular demographics.

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

Yes, so long as it provides authorities with the ability to adjust the percentage appropriately within adopted policies to reflect district needs.

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

Yes. Our latest Housing Needs Assessment suggested that the need of First Homes in the district over the next 15 years is minimal. Providing First Homes also had a (potential) negative impact on our ability to provide other affordable tenures. Therefore, removing the minimum threshold would help enable authorities to seek the appropriate proportion of the tenure and meet an identified need.

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

Generally, First Homes need to be considered in terms of whether the set price cap is appropriate in all areas once the minimum 30% discount is applied. Within our district, we have, to date, been restricted in the type and size of First Homes we seek on sites. Without greater flexibility, there is the risk that the tenures need for smaller property types could be addressed, but the need for

larger property types will be left behind due to market values being too high and exceeding the price cap after discount is applied.

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

Yes. Mixed and balanced communities should be key to all development proposals and not isolate certain communities.

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

Promotion should be balanced against the fact that it should be meeting a robustly identified housing need specific to the area(s) being proposed, whilst also providing an appropriate mix of unit types and sizes. Higher percentage developments should also give consideration to achieving a level of mixed and balanced communities to avoid the isolation of certain communities.

Furthermore, greater consideration should be given to the provision of financial incentives to redevelop brownfield sites.

**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?**

In our experience, smaller scale proposals – under 50 units – work better.

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

- Funding opportunities for authorities and local groups (Community Land Trusts, parish councils etc.) to commission housing needs surveys specific to local areas to robustly identify requirements to help shape developments.
- Planning advice to groups to understand constraints of any potential sites, as well as potential feasibility or viability issues.
- The provision of financial incentives to redevelop brownfield sites within villages.
- Reinstatement of the Community Housing Fund or similar to enable community led housing schemes to progress beyond the design stage.
- Funding for councils to directly deliver homes in rural areas.

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

Yes.

**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.

**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?**

It would be useful to explicitly separate Affordable Rent and Social Rent. As there is clearly a greater emphasis on Social Rent within these proposals, a light touch insight into how these rent levels are calculated, or a rough % of market value would be useful. At present, the reference to “at least 20% below local market rents” seems to align more with Affordable Rent.

**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?**

We see small sites coming forward badged as self-build or custom-build in order to avoid CIL. Once built by small housebuilders they are sold on the open market and no longer qualify as self-build, so we have to discount them from our self-build delivery numbers leaving us vulnerable at planning appeals.

**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. Whilst we still welcome the focus on well-designed places, we also welcome the removal of the word beautiful from Chapter 12 of the NPPF. Using the word beautiful, unless clearly defined, can lead to confusion. There is no consensus as to what ‘beauty’ means and the perception of beauty can change over time and between people. Focusing on high-quality design, defining design expectations, and rewarding high quality design is a more appropriate approach.

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

Yes. This proposed change will provide a much greater degree of local flexibility.

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

No further suggestions.

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

Yes. Ensuring that enough land for commercial development is available is a fundamental requirement for a strong local and national economy.

**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.

In addition, if HM Government is to namecheck certain sectors to support the needs of a modern economy, thought also needs to be given to ensuring success in high-tech industries is not at the expense of foundational businesses as this could inadvertently undermine the local economy. Focusing on the foundational economy (the parts of the economy that provides the everyday needs of people) can provide a more balanced approach to economic development which offers the chance to reverse the deterioration of conditions across these sectors, thereby, making communities stronger and more resilient, and delivering inclusive growth.

**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?**

We do not 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. It is our contention that decisions on these matters should be made by local decision makers.

We would also call for the adoption of a consistent approach that takes account of the specific impacts of any development on a proposed location.

**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?**

While the council does not support the extension of the direction power for these developments, if this proposal is introduced, we would argue that local authorities should retain the ability to determine the majority of any such applications. 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 further suggestions.

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

Yes, the council agrees that it is appropriate to afford significant weight to 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 council agrees with the changes relating to the provision of post-16 education and early years provision.

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

The council agrees that local authorities should move away from the 'predict and provide' approach and towards a 'decide and provide' method to transport planning. This is already happening in Oxfordshire which is at the forefront of this approach. We therefore support the proposed changes to paragraphs 114 and 115 of the existing NPPF.

**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 be amended to refer specifically to the concept of 'healthy place shaping', which could be defined within the glossary of the NPPF (and in any accompanying planning practice guidance). Specific reference could also be made to the use of Health Impact Assessments (HIA) both in plan-making and decision-taking.

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

There are existing infrastructure deficits which exist across the country. We would like to understand how new, expanded, or upgraded public service infrastructure will be delivered to meet current demands/pressures as well as those generated by housing growth. For example, healthcare provision, public transport, active travel capacity and sewage treatment are concerns locally.

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

Onshore wind, together with a mix of other renewable energy technologies are essential if we are to hit our climate change targets. It is, however, important that there is local democratic accountability regarding any decisions. Putting these applications into the NSIP regime would take away the ability of residents to engage properly in the planning process and would create a top-down imposed planning system. We, therefore, do not agree that large onshore wind projects should be reintegrated into 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?**

To meet our climate change targets and improve energy security, it is important that we increase the number of renewable and low carbon energy schemes. It is, however, crucial that safeguards remain in place that allow local elected members to make decisions for their area, based on areas identified in local plans as potentially suitable (which we have done in our emerging Joint Local Plan).

**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?**

The development of renewable energy schemes should not undermine existing mechanisms that have been set up to protect our most valuable habitats and species. Provided schemes can objectively demonstrate they can safeguard the status of these habitats and species populations they should be allowed. If a small percentage of the revenue generated by these renewable schemes could be captured in a Habitat Benefit Agreement (similar to a Community Benefit Agreement) then this could help to improve the ecological status of the habitats and contribute to nature's recovery.

Impacts on peatlands in terms of their carbon sequestration role can be limited by careful design and, as above for habitats, if the scheme can contribute to efforts to restore and expand peatlands then they could have a long-term positive impact on carbon sequestration.

**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?**

Accelerating the deployment of onshore wind, together with a mix of other renewable energy technologies is essential if we are to hit our target to become a carbon neutral district. It is, however, crucial that safeguards remain in place that allow local decisionmakers the discretion to determine what is best for their area.

The council would, however, support this change if it meant more applications would fall within the local decision-making process.

**Question 76 – Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?**

The council would support this change if it meant more applications would fall within the local decision-making process. The Oxfordshire net zero route map and action plan report identified that

by 2030 Oxfordshire will need to quadruple its installed photovoltaic capacity, and by 2050 the capacity in Oxfordshire will need to have increased by 13 times against the 2020 base year. Allowing larger, more efficient arrays to be installed in the right places under the simpler and cheaper Town and Country Planning rules should help this acceleration of deployment to happen.

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

N/A

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

- Mandate that a core purpose of the planning system is to address climate change and that each new development must contribute to meeting the UK's net-zero targets.
- Bring in the Future Homes Standard immediately and subsequently update it so that compliance will deliver true net-zero homes.
- Withdraw the December 2023 Written Ministerial Statement and publish clarification that local authorities can set their own ambitious energy efficiency standards backed up by robust evidence.
- Proactively support the introduction of local plan policies to reduce embodied carbon of new development.
- Update building standards to ensure that the risk of overheating is sufficiently mitigated.

**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?**

The council's view is that the tools that exist are expensive to access and are challenging technically. This can make it difficult to present findings effectively. In addition, we would argue that there is currently huge potential risk for the presentation of divergent/contradictory evidence. The council does, however, believe that these challenges could be addressed through the creation of standardised guidance and the provision of accessible tools that allow for effective engagement and scrutiny.

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

It should be made clear that site allocations should not happen in areas of high flood risk. This is a hard constraint and national policy should set out clearly what is expected of LPAs regarding land in high flood risk.

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

National planning policy should make clear that in relation to new build development, local authorities can set energy efficiency requirements which exceed building regulations (this would be in line with the December 2023 Written Ministerial Statement). National policy could be stronger in relation to the issue of retrofitting renewable and low carbon energy solutions, with specific planning practice guidance on how such issues should be approached.

Policy could also be updated to refer to the use of water efficiency standards. This would, subject to evidence on water scarcity and viability, allow local authorities to introduce more stringent requirements that go beyond the current optional building regulations. In addition, emphasis could

also be given to the importance of an integrated approach being taken in relation to the water environment.

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

The council agrees with removal of this text from the footnote, as long as there are safeguards in place that recognise the importance of food security and the need to protect agricultural farmland.

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

The protection of the land we grow our food on is an important matter and the NPPF should continue to place great emphasis on it as a priority for protection from development. There should also 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?**

HM Government should focus on ensuring that water companies remedy existing deficiencies within the water supply infrastructure network (leaks etc.) and seek to provide any necessary upgrades to supply and disposal at the earliest possible stage. National planning policy should also 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.

**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?**

Water scarcity is a live issue for Oxfordshire and the wider South East region. It is essential that the primary focus of HM Government action is on ensuring that water companies remedy existing deficiencies within the water supply infrastructure network (leaks etc.) and 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.

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

No further suggestions.

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

The council agrees that the policy criteria should be revised.

**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, the council would not support this. There needs to be clear policy criteria so that reasons for intervention are clear to everyone.



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

Yes.

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

N/A

**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.

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.**

Larger scale applications that involve very significant consultation and liaison with many consultees and negotiating infrastructure – we think they could be based on % of the estimated project cost and involve a cost every time re-consultation is required.

**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.**

Protected Tree Applications & Notices

Councils cannot charge for applications to trees protected by a Conservation Area because such applications are defined as a “Notice of Intent” rather than an “Application”. In other words, landowners or agents are not “applying” for works they are giving Notice of Intended works. The same principle applies for any 5-day Notices relating to trees protected by a Tree Preservation Order (TPO).

General tree works to TPO trees require an “application” and so fees could, in principle, be charged. However, as managing the protected trees provides benefits to the wider community, not just the tree owner, we do not consider it is justifiable to charge the tree owner for works providing wider public benefit. Linked to this, tree owners have a general ‘duty of care’ to address foreseeable hazards. Having a charge for general tree work applications could foreseeably delay action where an immediate response is required. It may also discourage necessary management.

A common point of objection to the serving of new TPOs is the bureaucratic burden it places on the tree owner to gain LPA consent before completing works. It is our practice to acknowledge this but highlight to tree owners that it is and free simple application.

Charging may discourage applications in general. This has the potential to lead to an increase of enforcement investigations and legal action, resulting in an increase in operations costs for LPAs that can't be recovered.

#### Listed Building Consent (LBC)

We have a very significant number of listed structures in our district. In the last 12 months we have received around 371 Listed Building applications across South and Vale. It is a considerable amount of work for the LPA to cover the operation costs of assessing LBC applications.

As with owners of TPO trees, alterations to listed buildings will be providing benefits to the wider public, however not to the same extent. The owners get to interact with their building far more than a visitor to the area or local residents, therefore charging for LBC would be more justified as the property owner is the main benefactor of alterations. In addition, it's highly likely the building was listed before the owners purchased it, so they know what they're taking on beforehand.

LBC is only needed for works of alteration to the significance of the heritage asset. In general, works to maintain or do genuine like-for-like small repairs to listed buildings do not alter its significance and so LBC isn't required.

In most cases LBC is needed when people are making alterations for their benefit and not the benefit of the building. For example, taking out internal walls to create 'modern open plan living' is solely for the occupant's benefit. We therefore consider it to be legitimate to charge for LBC as applicants are the sole beneficiary of the alterations, not the general public.

Charging for LBC might also encourage people to think more carefully about buying a building that suits their needs rather than one they know they need to adapt to fit in.

#### **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 reasons for your answer).**

We think that this could be complicated and lead to challenges. Nationally set fees are clearer and cause less contention/comparison.

#### **Question 95 – What would be your preferred model for localisation of planning fees? (Please give reasons for your answer)**

- **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**

Neither.

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

Not at this stage.

**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?**

N/A

**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?**

N/A

**Question 98 – Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?**

Yes.

**Question 99 – If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.**

We think the recovery of costs should be proportionate to the scale of the project and the resources involved. We encourage the use of PPAs but believe that it would still be appropriate to recoup the costs involved in their preparation and implementation.

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

It may be appropriate to link them to performance (timeliness of responses where that is within the LPA's control) and resourcing.

**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.**

N/A

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

No further suggestions.

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

The council does not agree with the proposed transitional arrangements. We would argue that authorities that have reached the Regulation 19 stage proceed to examination, irrespective of any difference in housing requirement, under the current NPPF.

**Question 104 – Do you agree with the proposed transitional arrangements?**

The council does not agree with the proposed transitional arrangements. The reforms should more effectively allow plans to progress to adoption, without the need for expensive pauses and re-starts. The proposed 'NPPF+1 month' trigger points should also be extended to 'NPPF+6 months'. Furthermore, given the councils' concerns about the home building industries' capacity to build more homes, the '200 below' figure should be increased to '500 below', to allow plans to proceed. Many plans in preparation have taken millions of pounds to prepare and as such should be given the opportunity to progress.

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

No further suggestions.

**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.