Dear Sir/Madam,

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

Thank you for your invitation to make a representation on the government's consultation on the National Planning Policy Framework (NPPF) and other changes to the planning system that has been open for consultation between 30 July 2024 and 24 September 2024.

The consultation seeks views on the government's proposed approach to revising the NPPF in order to achieve sustainable economic growth in the planning system. The government is also seeking views on a series of wider policy proposals in relation to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects (NSIPs).

This response refers to questions that have been posed within the current consultation and is Wealden District Council's (WDCs) formal response to the proposed national changes to the planning system.

Chapter 3 – Planning for the homes we need

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

The government proposes to make it clear that local planning authorities should use the 'standard method' to assess local housing needs, by removing the current reference to the exceptional circumstances in which the use of alternative approaches to assess housing needs may be more appropriate. WDC has been using the 'standard method' to calculate its local housing needs since its introduction, as the starting point for establishing the housing requirement of our area and has not considered exceptional circumstances to assess its own local housing needs at any stage.

WDC concurs with the government that the changes proposed to paragraph 61 of the NPPF will strengthen the requirement for all local authorities to consider the 'standard method' to assess its local housing need principally. However, WDC is of the view that there may still be exceptional circumstances (for example, on islands) where the demographics of the local authority could justify an alternative approach, albeit only in wholly exceptional cases.

Lastly, there is a specific issue for local authorities that overlap with National Parks that has not been addressed within this consultation (although there is existing guidance in the Planning Practice Guidance (PPG)[1] on this issue). Wealden District, like many other local planning authorities in Sussex and Hampshire incorporates a part of the South Downs National Park (SDNP) within its area that is not subject to the 'standard method' calculation. It is noted that the SDNP has its own adopted Local Plan[2] with a housing target for the whole area that is not subject to the 'standard method' formula due to its national landscape constraints. However, the 'standard method' for calculating local housing needs for all those other local authorities (including WDC) that incorporates part of the SDNP must consider this within their respective administrative areas. At this stage, there has been no formal process proposed by government for the disaggregation of this housing need, and although this is limited in Wealden's case, guidance and clarity from government on this issue would be supported (e.g. should the population in the SDNP part of Wealden District be removed from the 'standard method' calculation?).

[1] See paragraph 014 Reference ID: 2a-014-20190220 of the PPG
[2] South Downs National Park Local Plan 2014-2033

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?

As discussed in Question 1, WDC concurs with the government that the changes proposed to paragraph 61 of the NPPF and the removal of reference to the use of alternative approaches to assessing housing need in the glossary will strengthen the requirement for all local authorities to use the 'standard method' to assess its local housing need principally. However, WDC is still of the view that there may still be exceptional circumstances where specific matters, such as the demographics of the local authority could justify an alternative approach. It is noted that neither paragraph 61 of the NPPF or the glossary definition of local housing need in the NPPF considers the issue of National Parks, and this could be considered and strengthened through these reforms.

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

The government proposes to remove paragraph 62 of the NPPF that currently confirms that the top 20 most populated cities and urban centres are required to incorporate an uplift of 35% to their local housing need figure under the 'standard method'. Paragraph 62 of the NPPF also makes it clear that the additional urban uplift in the top 20 most populated cities and urban centres should prioritise brownfield and underutilised sites. It also encourages greater levels of densities informed by masterplans and design codes within these areas. Lastly, it confirms that this uplift should be accommodated within those cities and urban centres themselves, rather than neighbouring local planning authorities, except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with policies within the NPPF.

WDC supported the 35% uplift for major urban areas as part of the 'standard method' calculation at the previous consultation on the NPPF that was published in December 2023, as it demonstrated the importance of making the optimal use of brownfield land, in sustainable locations, to meet national housing need. Such cities and urban centres are the most sustainable locations to support large scale housing growth, as they are the locations where people wish to live and benefit from existing services, jobs opportunities and facilities, in comparison to more rural areas of the country such as Wealden District.

Paragraph 107 of the NPPF does confirm that '*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'* and this change to paragraph 62 of the NPPF would in some respects run counter to this argument. WDC does not agree that an uplift in its own local housing need through 'standard method' calculation by 211 dwellings per annum (dpa) is sustainable or realistic given its rural nature, lack of key infrastructure in the district (i.e. highway capacity and poor public transport provision) where in other sustainable urban locations such as Eastbourne, the local housing needs figure under the 'standard method' calculator may actually reduce as part of these reforms.

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

The government proposes the deletion of paragraph 130 of the NPPF in its entirety, which was added into the December 2023 NPPF to explain that local character can be considered when existing urban local planning authorities consider their ability to meet their housing needs. The government wishes now to reverse this change and to make it clear that local planning authorities should identify opportunities for maximising the efficient use of land, especially in areas well served by transport and other infrastructure. WDC has recently

undertaken a consultation on its draft Regulation 18 Local Plan, and this considered two options for a density policy: the use of a district wide minimum density standards or considering housing density on a case-by-case basis subject to the criteria.

WDC concurs with government that the changes proposed would ensure that opportunities for maximising the efficient use of land in urban towns and cities, particularly where they benefit from existing public transport interchanges and infrastructure. However, WDC is of the view that there may be exceptional circumstances where significant uplifts in density may be inappropriate if this would result in development wholly out of character with the existing character of the area. This is particularly the case in rural locations (market towns and villages) where housing density should be considered on a case-by-case basis (albeit with an uplift) dependant on the existing density and character of the area. WDC has published its own Character and Density Study[3] that shows an array of densities both between settlements and within settlements dependant on their historic development.

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?

The consultation proposes that rather than establishing district wide design coding, local authorities should focus their efforts on the preparation of localised design codes, masterplans and guides for areas of most change and most potential. WDC has not yet begun the production of a district wide design code, but the issues of creating one at the district wide scale are already apparent, such as the prohibitive cost and the extensive resources required. As discussed at Question 4, there are wide variety of characters and densities for settlements in the district, as well within settlements. WDC is a predominantly rural district and there are further challenges in trying to produce a design code in rural areas as opposed to urban areas. Design codes are easier to apply to large scale new development sites, rather than existing areas of built development that can be historic and have differing characters.

WDC agrees that the focus should move towards areas that provide the greatest opportunity for change and site-specific design codes (not just large new communities). Indeed, in our draft Regulation 18 Local Plan, we have already pre-empted the proposed changes to the NPPF and are proposing a policy that focusses on the provision of design codes and masterplans on large scale sites. Several of our Neighbourhood Plan groups have also produced design codes or design guides at the parish level that have worked well in those smaller geographic areas. Given the costs involved in producing a district wide design code (some authorities will have already committed to producing a district wide design code) and the resources required, guidance from the government does need to be clear, consistent and prompt as to what local planning authorities are required to produce, as opposed to what it is recommended they produce. WDC is considering the production of a district wide design guide (as opposed to design code) that will better align with the issues impacting on a rural local planning authority.

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

The government proposes several changes to paragraph 11 of the NPPF relating to the 'presumption in favour of sustainable development'. Currently, the presumption is triggered when there are 'no relevant development plan policies', or those which are 'most important for determining the application are out-of-date'. The proposals make it clear that the 'relevant policies' for determining an application involving the provision of new homes are those for the supply of land. It also suggested by the government that the presumption needs to add explicit

[3] Wealden District Council Character and Density Study (March 2024)

reference to the need to consider locational and design policies within the NPPF (i.e. set out in chapters 9 and 12), as well securing affordable housing.

The initial addition to paragraph 11 of the NPPF is welcome and will provide clarity regarding the policies that are deemed to be 'relevant' when applying the presumption in favour of sustainable development, which has been a heavily litigated issue at planning appeals. This change will bring much needed clarity on this issue.

With regards to the other proposals, it is suggested to the government that the explicit references added under d) ii of paragraph 11 of the NPPF on design, location and affordable housing are helpful. However, these matters should have already been considered by the decision-maker when determining planning applications involving housing supply, including the weight attached to each aspect. We are not convinced that the additions will necessarily prevent poorly designed housing schemes, or the provision of new homes in less sustainable locations, given the proposed changes to 'housing need' within these reforms.

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?

WDC adopted its Core Strategy Local Plan in February 2013 and under Policy WCS1 (Provision of Homes and Jobs 2006-2027), the Council anticipated that it would deliver 9,440 dwellings over the period 2006-2027, which equates to 450 dpa. Since then, WDC has seen its local housing needs figure rise substantially over the 11-year period to 1,397 dpa under the current NPPF consultation, which is over 3 times the number of new homes it was expected to deliver each year in its adopted statutory development plan document. This has led to WDC being unable to substantiate a housing land supply position in recent years. It is unlikely under the current system to do so without the adoption of a new local plan and the allocation of housing land, due to the large disparity between the adopted housing requirement and current local housing needs target through the 'standard methodology'.

WDC considers that local planning authorities with an up-to-date local plan should not have to continually demonstrate a deliverable five-year housing land supply position for as long as the housing requirement set out in its strategic policies is less than five years old. This will reinforce paragraph 15 of the NPPF that states '*the planning system should be genuinely plan-led'*, as it should be expected that new local plans, which take considerable time and effort to produce and go through significant scrutiny at Examination in Public, should not be undermined a year or two later by the granting of planning permission for speculative housing development outside of the recent Local Plan process.

The previous government proposed that it would introduce a 4-year rolling land supply requirement for those local planning authorities with emerging local plans. WDC supported these transitional arrangements for those local planning authorities who are in the process of producing either a Regulation 18 or 19 version of their local plans that includes both a policies map and proposed allocations towards meeting housing need. WDC consulted on its draft Regulation 18 Local Plan in March 2024. WDC then prepared its four-year housing land supply position statement under paragraph 226 of the NPPF and published this initially in August 2024. This confirms that WDC had 4.45 years' worth of housing land supply against its local housing need as set out in the 'standard method'. The ability to demonstrate a 4-year housing supply, coupled with no need to demonstrate housing supply calculations within 5 years of adoption of a Local Plan is a significant motivator to bring forward new, up to date, local plans at speed.

Disappointingly, the proposed changes to the NPPF (i.e. the removal of paragraph 226 of the NPPF) will continue to penalise local planning authorities like WDC who are endeavouring to

get a new local plan in place and to have a planning system that is genuinely plan-led. The housing crisis long predates the introduction of the 4-year housing land supply position. This has been coupled with proposed changes to the 'standard method' that has increased the housing requirement for many local authorities. A further 211 dpa in WDCs case. Given the amount of time and resources required to produce a new local plan, it is considered that this temporary reduction in the housing land supply requirement would have supported local planning authorities in their plan-making process and provide time for review, whilst incentivising the submission of local plans by the end of June 2025. The changes proposed may result in the opposite effect and will inevitably delay some local planning authorities in their plan-making process, including WDC.

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

The government proposes to remove the wording on past oversupply of housing in paragraph 77 of the NPPF. This sets out that previous over-supply of housing in the plan period could be set against upcoming housing supply.

It is firstly acknowledged that there is substantial requirement for housing in the country. However, if a local planning authority has overdelivered housing within earlier periods, it should still be able to rely on this higher housing delivery rate to address its future housing supply. It should also be noted that many local plans may have higher housing delivery rates in the first five years of their plan period, or where the economy is more buoyant, and housebuilders are delivering sites at a faster rate. This is not something that is under the control of local planning authorities and the delivery time scales of housing development are largely in the hands of housebuilders and economic circumstances. Local planning authorities should not be penalised for oversupplying new homes when the economy is buoyant, and it is known this process is cyclical.

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?

The NPPF currently requires local planning authorities to include a buffer of 20% on top of their five-year (or four-year) housing land supply position where there has been significant under delivery of housing over the previous 3-year period, as measured through the Housing Delivery Test (HDT). This is the case for WDC, where the HDT results for 2022 confirms that we could only deliver 78% of our local housing needs target over the 3-year period. Prior to publication of the NPPF in December 2023, authorities were also required to include a buffer of 5% on top of their five-year housing land supply in all other circumstances, to account for fluctuations in the market.

This proposal is not supported by WDC. It is considered that buffers (and applying the appropriate buffers) are overly complex (particularly for non-planners), and moreover, that adding a further years' worth of housing to the 'local housing needs' calculation (in the case of a 20% buffer) is penalising those local planning authorities that are already struggling to meet their 'local housing needs' calculation under the 'standard method'. For some local planning authorities, the local housing needs calculation may be unachievable in their forthcoming local plan process (owing to physical, infrastructure and/or environmental constraints, or tightly drawn administrative boundaries for example) and therefore not realistic or practical to be considered in a five-year housing land supply calculation. The addition of a further buffer (even of 5%) to the five-year housing land supply calculation only exacerbates this issue.

As stated in relation to Question 8, the delivery time scales of new residential development are also largely out of the hands of local planning authorities. This means that the HDT is not

something that local planning authorities can control, particularly where major schemes are not delivering new homes at the rates expected. The Council has previously supported the additional permissions-based test (in the response to previous NPPF consultation) that would 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement. These should be accounted for within the HDT.

WDC also considers that local planning authorities with up-to-date local plans are more likely to deliver new homes and the application of buffers to the five-year housing land supply position may hinder this process and deliver poorer quality housing development as a result.

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

The government proposes reintroducing the 5% buffer to be added to all five-year housing land supply calculations in decision making and plan making, and in its view, provides an important buffer of sites, ensuring choice and competition in the market. As discussed above, WDC is concerned that this approach of buffers (and applying the appropriate buffers) is overly complex, and moreover, that adding a further years' worth of housing to the 'local housing needs' calculation (in the case of a 20% buffer) is penalising those local planning authorities that are already struggling to meet their local housing needs calculation under the 'standard method' particularly.

WDC does not consider that the application of a housing supply buffer is likely to improve the prospect of achieving planned supply and in some cases, as discussed above, this is not realistic or practical in any case. The application of a 5% buffer to those local planning authorities that have recently adopted a local plan may, in some cases, bring forward land outside of the recent local plan process, which will undermine public confidence in the planning system.

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

The government proposes to remove the option for local planning authorities to 'fix' their five-year housing land supply through Annual Position Statements. WDC considers that the process of publishing an Annual Position Statement and incorporating the recommendation of the Planning Inspectorate (PINs) to be resource intensive exercise, considering its one-year period of effectiveness. The PPG states that local planning authorities that wish to begin the process for an Annual Position Statement will need to advise PINs of their intention to do so by 1 April each year and then PINs will issue their recommendation in October of the same year. In all, this is a 7-month process for which a local planning authority can then confirm their housing land supply for a single year.

The Council considers progressing with the process of delivering an up-to-date local plan is a better use of resources. WDC are therefore supportive of the proposal to remove the option for an Annual Position Statement, especially if the government considers it a 'policy that has been little used' since its inception.

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

In principle, WDC support changes to the strategic planning process and the duty to cooperate process, although at this stage, it is not necessarily clear what this means for those local planning authorities that are rural in nature and are outside of mayoral areas. WDC has updated its evidence on its Housing Market Area (HMA) through its Local Housing Needs

Assessment (LHNA)[4] that was published in August 2021. One of the purposes of the study was to define a HMA and an appropriate functional geographical area to gather evidence and develop policies to address strategic matters. This is also a key issue for effective cooperation between local planning authorities.

In the case of WDC, there are several HMAs (five in total) that overlap into the district and there are substantive influences from Eastbourne to the south and Royal Tunbridge Wells to the north, with the two towns bordering the administrative boundaries of the local authority. However, it has also been evidenced that there are influences from the Gatwick area (East Grinstead, specifically), the Bexhill/Hastings area and the Greater Brighton area (Lewes, specifically). This is largely comparable with the Functional Economic Market Area (FEMA) that overlaps into the district.

It is recognised that the government will explore the most effective arrangements for developing Spatial Development Strategies (SDSs) outside of mayoral areas, recognising that it needs to consider the appropriate geographies to use to cover functional economic areas and the right democratic mechanisms for securing agreement. It should be recognised that local authorities such WDC have many influences and agreement on the right geography may be difficult, given the number of local authorities adjoining (eight local planning authorities and four counties) and the influences on Wealden District. WDC will wait for further guidance and consultation from the government on this matter.

The proposed changes to the NPPF at paragraphs 24, 27 and 28 do provide further clarity on what the government considers to be the main issues to be agreed between local planning authorities, and these issues are considered locally. The addition at paragraph 28 of the NPPF that there may be a degree of uncertainty about the future direction of relevant development plans and that *'in such circumstances strategic policy-making authorities and Inspectors will need to come to an informed decision on the basis of available information, rather than waiting for a full set of evidence from other authorities'* is supported and provides clarity on this matter.

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

Paragraph 22 of the NPPF (December 2023) currently confirms that strategic policies should look ahead over a minimum of 15 year period from adoption, but '*where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescales for delivery'.* The 'soundness test' under paragraph 35 of the existing NPPF for 'effective' just confirms that the local plan should be 'deliverable over the plan period'.

Inherently, local plans that do contain strategic scale proposals and associated infrastructure can require implementation over a long period, which will make it more difficult to provide evidence of deliverability and viability. There is currently an issue with respect to paragraph 22 of the NPPF in that it is not clear what constitutes a 'strategic scale proposal' as this could include new settlements (which is clear) but also 'significant' extensions to villages and towns, that is less clear. It is felt that a firmer definition of what constitutes a 'strategic scale proposal' should be considered by the government in these cases. The government could also consider providing clear guidance around what evidence is needed to affirm the deliverability and viability of strategic scale proposals over the lifetime of the Plan and weave this into the tests of soundness through the revised NPPF.

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

[4] Wealden Local Housing Needs Assessment (LHNA), August 2021

Within this chapter, there has been little stated in relation to the delivery of new homes via landowners/housebuilders/developers. At this stage, the government has not provided any suggestions around ensuring that developers build new homes quickly, once the planning permission has been approved for those new homes. For example, WDC in its latest Housing Land Supply (HLS) position statement as of 1 April 2024 confirms that it is has over 8,400 homes with planning permission (or a resolution to grant planning permission) that have yet to be built, but is unable, through the proposed planning system within this consultation, to be able to demonstrate a five-year housing land supply position. Whilst it is acknowledged there are some limited tools which are available to local authorities in relation to giving a shorter timescale to implement a development than the default planning condition timescale (paragraph 79 of the consultation version of the NPPF), further tools should be considered to stimulate the implementation of extant planning permissions, such as financial penalties to the developer.

This issue has been highlighted nationally through the CPRE and other organisations that suggest that there are over 1 million homes nationally that have unimplemented planning permissions, which shows that the release of land for housing is not the only issue for the delivery of new homes.

Chapter 4 – Planning for the homes we need

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?

In terms of the inputs into the 'standard method' formula, WDC has been concerned that the household projection forecasts more recently published (i.e. the 2016 household projections and 2018 household projections) have not been used for the 'standard method' formula to date, even though these contain the most up-to-date household projection forecasts. At present, we agree with the government that the 2014 household projections are over a decade old and do not reflect the current position on household demographics, particularly given the intervening national events that impact household formulation that includes Brexit, the Covid-19 pandemic and the more recent inflationary economic conditions. These were always too high and did not account for the intervening economic events that proceeded.

The government proposes to replace this using a baseline set at a percentage of existing housing stock levels, designed to provide a stable baseline that drives a level of delivery proportionate to the existing size of settlements, rebalancing the national distribution to better reflect the growth ambitions across the Midlands and North. In principle, WDC supports the move away from household projections to housing stock levels and agrees that this could potentially be a more stable baseline to start from.

It is appreciated that the using 0.8% growth figure on housing stock provides a level of increase in all areas, but this should be reviewed regularly to ensure that it estimates the right level of growth in years to come.

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?

The government proposes that the workplace-based median house price to median earnings ratio, averaged over the three most recent years for which data is available, will be used in standard method to account for affordability. It is stated by government that using an average, rather than just the most recent datapoint, will help smooth out changes in affordability and

will provide further stability and certainty in inputs and outputs of the method. It is agreed that this is helpful in providing an averaged figure over a 3-year period and will provide a more stable figure to work from.

However, as noted in Question 17 below, the increased weighting of this affordability ratio is not considered appropriate, and this is explained below.

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

The government proposes increasing the significance of affordability by revising the affordability adjustment. This would mean that the baseline stock figure is adjusted upwards in areas where house prices are more than four times higher than earnings: for every 1% above that 4:1 ratio, the multiplier increases to 0.6% (the current method multiplier is 0.25%). It is noted that the latest ratio of median house price to median gross annual work-place-based earnings ratio is 8.26 in England (as of 2023) and in the South East, this rises to 10.39 (as of 2023). In Wealden District, the last median workplace-based affordability ratio was 12.15 (as of 2023) and has not dropped below 10 since 2011. Since the 'standard method' was introduced into planning policy in 2018 there has been limited changes to the median workplace-based affordability ratio in the district (it was 11.82 in 2018 and 12.15 in 2023). This shows that affordability has not improved over this time and likely suggests that more fundamental reform is needed.

The proposed 'standard method' will increase the significance of affordability and in effect penalise local planning authorities in areas where median house prices are more than four times higher than median work-place earnings. It is shown above that majority of England is far above this where median house prices are more than eight times higher than median work-place earnings. This will include WDC and large parts of the South East, particularly in non-urban areas where the urban uplift did not apply (that is also proposed to be removed as part of these reforms).

It is suggested that the use of median residence-based affordability ratios[5] could be an alternative to the current approach (the ratio was 10.82 for Wealden District in 2023). The current median workplace-based affordability ratio used for 'standard method' does penalise areas with large proportions of out-commuting (i.e. rural districts) and median residence-based earnings ratios are considered a better fit for use in the 'standard method'.

In terms of increasing the emphasis of the 'affordability ratio' itself, the distribution of housing development in the future is an issue of national importance and there is concern that the proposed 'standard method' formula will continue to increase housing numbers in the South East (where worsening affordability is an issue) and that this does not address wider strategic goals such as investment in the Midlands and North of England, despite what has been set out in Question 15 of this consultation response. Although it is not disputed that there will be a significant requirement for new housing development in the South East, there are also many significant national landscape and ecological constraints across the region that will likely prevent housing development at the quantum envisaged through the new 'standard method' formula.

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?

[5] Office for National Statistics (ONS) – House Price to Residence-Based Earnings Ratio, March 2024

The government has asked for our views on whether the 'standard method' should factor in evidence on rental affordability and if so, whether we have any suggestions for how this could be incorporated into the model. As discussed above, the government has sought to increase the emphasis of the 'affordability ratio' and in turn increase housing need in those areas (i.e. the worsening affordability of homes is the 'best' evidence that supply is failing to keep up with demand). It is considered that evidence on rental affordability will be similar to the issues raised around affording a home to purchase and it not anticipated that this would add or make significant differences to the overall outcome.

WDC has considered the average weekly rents, by district, through private registered providers[6] and have noted that these have risen over time as well, which is to be expected. This has also been established by the ONS[7]. As stated, this addition will add another layer to this complex process and may not ultimately change the outcomes for many local planning authorities.

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

WDC notes that the 'standard method' for assessing local housing need was introduced in 2018 and that the government wishes to retain this feature as part of the planning system to have as a clear starting point for the plan-making process.

It is considered that any approach to setting a housing requirement figure for Wealden must strike the right balance between protecting the environment and delivering important social and economic objectives. Wealden is a highly constrained district, and these constraints are likely to have an impact on the scale and distribution of future development in the district. The High Weald National Landscape takes up 53% of the district (predominantly in the north) and the Ashdown Forest and Pevensey Levels are both internationally protected sites, where development is rightly restricted to protect important habitats and rare species. There are numerous other important Sites of Special Scientific Interest (SSSI), Local Nature Reserves and Ancient Woodland that constrains future development. On the other hand, much like the rest of the Southeast England, Wealden is in an area with high housing need, with worsening housing affordability and there are real social and economic consequences if these issues are not addressed.

However, as discussed at Question 17, the affordability ratio and it's weighting still heavily impacts local planning authorities in the South East England, where worsening affordability is continuing at a pace. These issues have been exacerbated for rural local planning authorities in this region, as the previous 'cap' has also been removed from the 'standard method' calculation. Under the current 'standard method', numbers are capped at 40% above either the previous local plan figure or the projection-derived baseline if the local plan was out of date (over 5 years old). The government contends that to significantly boost the supply of homes and address the past undersupply as quickly as possible, a significant change of approach is needed. It is considered by WDC that the 'cap' was beneficial in order to prevent housing figures in less affordable parts of the country being unrealistic. It is considered in this consultation by the government that London now has an 'credible' target with the changes proposed (including the removal of the urban uplift), but this, on a smaller scale, is unlikely to be the case for rural local planning authorities in the South East who a) have had their 'cap' removed and b) have had an increasing emphasis on affordability.

Chapter 5 – Brownfield, grey belt and the Green Belt

[6] Table 704: Private Registered Provider average weekly rents, by district, from 1997, MHCLG
[7] Private rental market summary statistics in England

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

The proposed amendment to paragraph 124c of the NPPF makes it clear that decisions and policies should give substantial weight to the value of using suitable brownfield land within settlements and that the principle of development should be regarded as acceptable in these circumstances, as a first step towards brownfield passports. The proposed changes would emphasise that local planning authorities should support such developments of suitable brownfield land in settlements, and this is in principle supported by WDC. However, guidance should be provided within national planning policy as to what is required to be evidenced as part of the local plan process (e.g. density study, urban capacity study, tall buildings survey) in urban authorities to ensure that every step has been taken to deliver new homes on brownfield land within urban areas or cities, that are most sustainable locations to deliver new homes.

Where urban authorities have not been making sufficient progress with housing delivery in their areas, this can lead to the exportation of housing need to neighbouring rural authorities, which would likely deliver worse outcomes, as it would result in the loss of greenfield land and deliver new homes in rural or semi-rural locations that do not benefit from the existing services, jobs and infrastructure.

Although it is recognised that paragraph 124c of the NPPF highlights that only brownfield land 'within' settlements should be considered suitable, WDC is concerned that where brownfield land is situated in less sustainable locations, this proposed amendment to the NPPF may still result in unsuitable development in rural areas.

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

The government proposes to relax the restrictions that are currently applied to PDL and limited infilling in the Green Belt at paragraph 154g of the NPPF, to make it clear that development of PDL is 'not inappropriate' where it would not cause substantial harm to the openness of the Green Belt.

Normally, a local planning authority would regard the construction of new buildings as inappropriate in the Green Belt. The current exceptions to this are limited infilling or the partial or complete redevelopment of PDL, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would reuse PDL and contribute to meeting an identified affordable housing need within the area of the local planning authority. The proposed amendment would relax this further and just state that such development should not cause substantial harm to the openness of the Green Belt.

WDC are supportive of the government's intention to release more PDL for development in the Green Belt as this will relieve some of the pressure to develop greenfield sites in neighbouring rural authorities, which do not have Green Belt restrictions. Wealden has many other national constraints to development including the High Weald National Landscape, the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) and the authority comprising of parts of/bordering the SDNP. It is considered that these national designations should also be protected, and this approach to development of PDL in the Green Belt will assist in supporting the protection of those national landscapes and nature designations.

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 government proposes to expand the definition of PDL in the NPPF to include hardstanding and glasshouses. WDC considers that the expansion of this definition might affect the availability of horticultural land. As a rural local planning authority, WDC considers the implications of this to be concerning, as it may result in development in unsustainable rural locations. It should be noted that many glasshouses and areas of hardstanding are built without planning permission or input from the local planning authority through the General Permitted Development Order (GPDO).

WDC is concerned that considering glasshouses and hardstanding as PDL would exacerbate the concerns the Council already faces with applications for the redevelopment of agricultural buildings, such as barns, into residential dwellings within unsustainable location rural areas. Given the land use values between agricultural uses and new development (be it employment, tourism and dwellings), there is a very real threat that such buildings will not be kept for horticultural production and that some agricultural holdings will be reduced as result.

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

WDC agrees with the proposed definition of grey belt land that is to be inserted into Annex 2: Glossary of the NPPF. It states that 'for the purposes of plan-making and decision-making, grey belt is defined as land in the Green Belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes … but excluding those areas or assets of particular importance listed in footnote 7 of this Framework'.

WDC believes, as does the government that the definition of grey belt land acts to accurately identify land with a high sustainable development potential, while also avoiding providing incentives to allow the degradation of existing Green Belt Land. We believe that clearly defining the grey belt in terms of its contribution to the purposes should help to prevent this and do not believe that there are any further additional protections or requirements are necessary. However, we would note our response to Question 22 above in relation to expanding the definition of PDL. It should be noted that further guidance will need to be produced to set out how 'any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes' can be robustly demonstrated.

Question 24 to Question 27

WDC does not contain any Green Belt within its administrative boundaries and does not believe these questions will impact it directly. We have therefore chosen not to answer these questions.

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?

Green Belt is designated to prevent urban sprawl by keeping land permanently open, but it is not a landscape-based designation such as a National Landscape or National Park. There are instances of land within the Green Belt area which does not contribute to the five statutory purposes as set out in paragraph 140 of the existing NPPF (December 2023) and are sustainably located. There is also a significant amount of land in Green Belt that incorporates PDL that could be sensibly repurposed to deliver new homes or employment uses without impacting upon the Green Belts five statutory purposes, including openness.

Some local planning authorities, like WDC, face additional pressures to meet an increased amount of unmet housing need from local planning authorities with Green Belt land that lies in close proximity to their administrative boundaries. Many of these local planning authorities already face significant challenges in meeting their own identified housing need for other reasons (such as national landscape and ecological constraints). WDC has over 53% of its administrative area in the High Weald National Landscape and there is significant pressure to deliver new home in these areas. The district also contains the Ashdown Forest SAC and SPA, as well as the Pevensey Levels SAC/Ramsar site, several SSSI and one of the greatest levels of ancient woodland in the country. It is considered that PDL within Green Belt, particularly in sustainable locations, should be utilised for housing/employment, rather than nationally constrained areas (be it ecological or landscape) such as WDC.

Given the above, WDC considers that Green Belt land should also be reviewed in this context to ensure that opportunities for growth on land that may have limited intrinsic value and relates well to existing sustainable settlements is considered. In many cases, this land may well be more suitable for housing development than more rural areas of adjacent local planning authorities that have national/international landscape/ecological designations.

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?

WDC agrees with the government that it should be made clear within the NPPF that the release of land from the Green Belt should not fundamentally undermine the function of the Green Belt across the area of the plan. The Green Belt continues to be a fundamental pillar of the English planning system, and its purpose is as needed today as it was when it was first enacted. However, this should also not be to the detriment of neighbouring local planning authorities that are already highly constrained by other national/international designations and it is considered by WDC that the amendments proposed to the Green Belt would strike the right balance of both protecting the integrity of the Green Belt and also delivering new homes on land of limited intrinsic value in sustainable locations.

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?

As stated at Question 28 of this response, we agree that the government's proposals for plan-making support the release of Green Belt 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 government also proposes to insert a new paragraph in the NPPF which will make clear that, in instances where a local planning authority cannot demonstrate a five-year housing land supply or is delivering less than 75% against the HDT, or where there is unmet commercial or other need, development on the Green Belt will not be considered inappropriate when it is on sustainable 'grey belt' land, where golden rules for major development are satisfied, and where development would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole. The proposal limits the release of Green Belt via this route to 'Grey Belt' land only, including PDL.

WDC agrees with the government's proposals to release to 'Grey Belt' land through the development management process. As stated previously, WDC considers that Green Belt land should be released where there are opportunities for growth on land that may have limited intrinsic value and relates well to existing sustainable settlements. In many cases, this land may well be more suitable for housing development than more rural areas of adjacent local

planning authorities that have national/international landscape/ecological designations, so should be released where it does not contribute to the five statutory purposes as set out in paragraph 140 of the existing NPPF.

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?

The government proposes supporting the release of Green Belt land to meet other development needs (alongside residential development) through both the plan-making and decision-making routes. Although WDC supports the inclusion of this paragraph in principle, there will be issues around how undersupply of commercial uses (such as employment floorspace) is defined, where there is no equivalent five-year land supply mechanism in place for commercial uses, or the equivalent of the HDT to measure this issue for commercial uses.

As with decision-making for housing, we believe that this proposal should be limited to the release of Green Belt via this route to 'Grey Belt' land only, including PDL.

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?

The government intends to support the release of Green Belt land to address unmet needs for traveller sites. Currently the Planning Policy for Travellers Site (PPTS) document (December 2023) considers that traveller sites in the Green Belt are inappropriate development and that there are very unlikely to be sufficient circumstances (i.e. unmet need or personal circumstances) to clearly outweigh the harm to the Green Belt or to establish very special circumstances to justify the development. It notes that while the lack of availability of Gypsy and Traveller sites must be considered, the current PPTS states that it is unlikely to outweigh the harm to the Green Belt.

WDC supports the government's intention to release Green Belt Land through plan and decision-making for traveller sites, including the sequential test for land release and the definition of PDL. This will relieve some of the pressure to develop greenfield sites in neighbouring rural authorities, which do not have Green Belt restrictions. WDC has many other national constraints to development including the High Weald National Landscape, the Ashdown Forest SAC and SPA and the planning authority bordering the SDNP. It is considered that such designations should also be protected, and this will assist in supporting the protection of those national designations.

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?

WDC would suggest that a local planning authority should undertake a Green Belt review for traveller sites where a local planning authority cannot demonstrate a five-year supply of deliverable traveller sites to accommodate the local planning authority's need as identified within a robust Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA).

Following WDCs GTAA, it was recommended that the Council incorporate a criteria-based policy into the local plan for planning applications that may materialise over the plan period from households residing on unauthorised developments or encampments, due to in-migration, and those residing in bricks and mortar accommodation. In considering the

evidence gathered through the GTAA, it was considered that the likely key factors in determining new provision locally are:

- the affordability of land suitable for the development of new sites and the cost of development;
- the need to ensure that new provisions are within reasonable travelling distance of social, welfare and cultural services;
- the need to carefully consider the proximity of new provisions to existing provisions (i.e. conflict and social tensions potentially arising if new provisions are located too close to existing provisions);
- and the sustainability of new provisions (i.e. ensuring that they do not detrimentally impact on the local environment and do not place undue pressure on local infrastructure).

The release of land in the Green Belt for the traveller sites can be undertaken during the review or production of a local plan. Local planning authorities can review Green Belt boundaries/undertake comprehensive Green Belt reviews as part of the preparation of an emerging local plan to help meet their annual housing requirement as set by the government through the 'standard method'. Where there are insufficient sites in the urban areas to meet all its housing needs, the Council must then consider Green Belt Land. To amend Green Belt boundaries, exceptional circumstances must be shown, and this can include meeting housing need if insufficient sites can be found within its own area or if neighbouring authorities cannot assist; this could include Gypsy and Traveller sites.

There have been occasions where local planning authorities have granted planning permission in the Green Belt for Gypsy and Traveller accommodation. Often this is because a local planning authority has made little headway in providing an adequate provision of dedicated sites to these groups, so an alternative is required. If a local planning authority is not meeting the lawful needs of this ethic group, then it is considered by WDC that this should be possible, particularly where the openness of the Green Belt is not compromised, and it is situated on PDL. In many cases, this would be a better than developing land in adjoining authorities in their national landscape designations, such as the High Weald National Landscape in WDCs case.

Question 34 to Question 42

WDC does not contain any Green Belt within its administrative boundaries and does not believe these questions will impact it directly. We have therefore chosen not to answer these questions.

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?

The government is proposing 'golden rules' for building on the Green Belt and these are outlined in paragraphs 155 to 157 of the proposed NPPF, which specifically apply both to major developments on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt permitted through the development management process. Paragraph 155 of the of the proposed NPPF confirms that developments should be subject to:

a. In the case of schemes involving the provision of housing, at least 50% affordable housing (with an appropriate proportion being Social Rent), subject to viability;

b. Necessary improvements to local or national infrastructure; and
c. The provision of new, or improvements to existing, green spaces that are accessible to the public. Where residential development is involved, the objective should be for new residents to be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

WDC broadly supports golden rules 'B' and 'C' (see above), but also recognises that the requirements set out in golden rules 'B' and 'C' are light on detail as to how they will be achieved, and further clarity is needed.

We note that golden rule 'A', which drives 50% delivery of affordable homes is unlikely to be sustained in terms of viability. Like the current system, developers are likely to use viability assessments to argue that building the quantum of affordable homes that local policies require could reduce their profits below competitive levels, which would render such housing schemes unviable; thereby reducing the affordable housing percentage on these schemes. Given the current viability process set out within the NPPF and PPG, it is unlikely that such authorities, or the government will meet this need for social rented accommodation, unless there is substantial reform to the viability process.

Question 44 to Question 46

WDC does not contain any Green Belt within its administrative boundaries and does not believe these questions will impact it directly. We have therefore chosen not to answer these questions.

Chapter 6 – Delivering affordable, well-designed homes and places

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?

WDC supports the government in terms of its commitment to create a planning system that focuses not simply on housing numbers, but on delivering the types of homes that communities want and need. WDC agrees that the revised NPPF should also support the lower rent option (affordable housing tenure), social rent.

WDC has undertaken its LHNA that was published in August 2021, and this concluded that there is a substantial need for both rented affordable housing (social and affordable rent) and affordable home ownership products (i.e. First Homes, Shared Ownership and other discounted market homes). The LHNA confirms that for Wealden District, there is more affordable housing needed (of all tenures) then could be viably developed within its local plan. It is considered by WDC that the level of affordable home ownership products or social/affordable rented tenure should be decided at a local level, as each local planning authority is better placed to understand their local housing market area and what types of affordable housing tenure should be included within their local plan policies. For example, the PPG currently confirms that all local planning authorities should provide a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. This may not be the best affordable housing ownership product for all local authority areas, in all parts of the country and WDC believes that the Council's local plan should have discretion on what types of affordable housing tenures should be provided.

We agree that the revised NPPF should attach more weight to social rented tenure in planning policies and decisions and that the focus in recent times in drafting the NPPF has been on affordable home ownership products. However, social rented accommodation is a more

affordable and in the longer term, a more sustainable form of tenure. However, there needs to be a recognition from the government that this will require additional subsidy to deliver it.

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

The government propose the removal of the requirement to deliver at least 10% of the total number of homes on major sites as affordable home ownership, as set out in paragraph 66 of the current NPPF (December 2023). WDC supports the government in terms of its commitment to create a planning system that takes steps to boost home ownership, and the actions set out in this document. However, as discussed at Question 47, the prescriptive prioritisation of these types of affordable housing in national planning policy is not the right approach. This needs to be set locally with regards to need, incomes and general affordability and is the reason the Council developed its own LHNA to provide evidence on the right mix of affordable housing tenures.

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

The government proposes to remove the requirement that a minimum of 25% of affordable housing units secured through developer contributions should be First Homes, as set out in the 'Affordable Homes Update' Written Ministerial Statement of 24 May 2021 and the PPG. WDC supports the government in terms of its commitment to create a planning system that takes steps to boost home ownership, and the actions set out in this document. However, although WDC has considered First Homes to be part of the mix of affordable housing tenures delivered within the district, we again believe that the prescriptive proportion of affordable housing tenure being set through national planning policy is not the right approach. This needs to be set locally with regards to need, incomes and general affordability in the area and is the reason the Council developed its own LHNA to provide evidence on the right mix of affordable housing tenures.

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

WDC supports the proposed retention of the option to deliver First Homes, including through exception sites. Although, as stated at question 49, the removal of the minimum of 25% of all affordable housing units secured through developer contributions being First Homes is supported, the LHNA has determined that there is need for such provision of First Homes locally and this will form part of the mix of affordable housing tenures within the emerging local plan. Having the option to include First Homes in its local plan gives local planning authorities flexibility to meet a variety of needs.

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

The government proposes the introduction of a policy to promote developments that have a mix of tenures and types and paragraph 69 of the proposed NPPF. In the government's view, this is to promote a delivery of mixed-use sites, and the realisation of these benefits, and take a positive approach to them through both plans and decisions.

It is agreed that delivering sites with a mix of tenures can provide a range of benefits, including creating diverse communities as well as supporting the timely build out of sites. This can include a mixture of ownership and rental tenures, including rented affordable housing and build to rent, as well as housing designed for specific groups such as older people's housing and student accommodation, and plots sold for custom or self-build.

WDC agrees that increasing the diversity of housing tenures will potentially maximise a development scheme's absorption rate. WDC, alongside other local planning authorities, has or will likely provide a housing mix policy within their emerging local plan that will provide the right local housing mix, tenure and affordable housing tenures at the time of determining the planning application. For WDC, this has been based on local evidence of the housing mix, size and tenure needed for the local plan period. Therefore, although support is welcomed to understand how developers can maximise a development scheme's absorption rate, this will need to be considered against the emerging local plan policies on housing mix, size and tenure specifically.

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

The government is seeking views on the best practice to promote predominately or exclusively affordable housing developments, while ensuring that adequate safeguards are in place that avoid unintended consequences. Data from the Ministry of Housing, Communities and Local Government (MHCLG) shows the number of households on local authority waiting lists across England has increased by 6% from March 2023 to March 2024[8].

As a rural local planning authority, WDC suggest that the local planning authority set targets for different tenures of affordable housing according to the needs of their area. Social rent would generally be the preferred tenure by WDC, as it is the most affordable product for those on our housing register, but it is difficult to deliver, as rents are low, so it will require capital subsidy. Additional funding from Homes England will be needed if social rented housing is to be built on Section 106 sites instead of other forms of affordable housing, without reducing affordable housing output. Without subsidy, rented homes will need to revert to affordable rent.

It should also be noted that there are clearly implications for the provision of infrastructure, if the government was to support majority affordable housing developments, as affordable housing is not subject to the Community Infrastructure Levy (CIL), and therefore, to deliver new affordable homes at scale, there will be a compromise in terms of delivering new infrastructure. It is noted that the delivery of strategic infrastructure within the local area is key issue for unlocking growth and the development of majority affordable housing developments may not help with delivering services and infrastructure required to support it. However, infrastructure provision could be delivered by government through wider reforms outside of the planning system as well as the introduction of a smaller charge for CIL on majority affordable housing schemes that do come forward.

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?

WDC considers that a 'maximum site size' is not helpful; it is arbitrary and does not take into account the site's location, or the community, housing and facilities around it. Larger 100% affordable housing sites need to deliver a range of different affordable housing tenures to balance the occupation of site between renters and buyers. It is considered by WDC that this is something that could be locally set through its emerging local plan, dependant on the scale of the community the site falls within.

As discussed at Question 52, there should be safeguards around the delivery of infrastructure on such schemes, given that larger 100% affordable housing schemes do not pay towards

[8] Supply of affordable housing

CIL and can detrimentally impact existing infrastructure, community facilities and services within the local area.

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

Wealden District is predominantly a rural local planning authority and a rural exceptions policy for affordable housing schemes has been adopted within previous local plans. However, these local plans are now out-of-date, and moreover, WDC has not been able to demonstrate a five-year housing land supply position for a number of years. This has meant that land on the edges of our villages and towns has largely been brought by national housing developers and submitted to our Strategic Housing and Economic Land Availability Assessment (SHELAA) process or applied for through the planning application process. This has meant that smaller community groups and/or registered providers have been unable to compete in the market for land in these locations and there is of course 'hope' value associated with such land given our five-year housing land supply position. It is considered by WDC that this is likely to be the case in many rural local planning authorities in the southeast where an up-to-date local plan is not in place. WDC has not therefore been approached with regards to its rural exception sites policy for several years.

However, WDC did support the addition of a specific referral to community-led housing groups in paragraph 82 of the revised NPPF (December 2023). The paragraph goes on to state that local planning authorities should support opportunities to bring forward rural exception sites to meet identified local needs. Neighbourhood planning groups could be added here to encourage them to consider supporting rural exception sites in addition to local planning authorities. Some neighbourhood planning groups already do bring forward or support rural exception sites within their neighbourhood plans but reiterating this opportunity in the NPPF or the PPG would add extra weight to this issue and may reach groups that would otherwise be unaware that this was a possibility for them to pursue. More investment is need in Community Land Trusts (CLTs) to bring forward deliverable sites. However, there are few registered providers within the Wealden District that are interested in rural sites, so delivery of affordable housing is limited in these locations.

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

WDC support the government's proposed changes to paragraph 63 of the NPPF that would include explicit reference to social rented accommodation and those who look after children. This amendment supports the Written Ministerial Statement on planning for accommodation for looked after children made on 23 May 2023.

The government could help further with delivering affordable housing for community groups. As community groups will often not have sufficient funding to support the early stages of this process, such as securing a site and undertaking the work necessary to gain planning permission for the exceptions scheme; therefore, providing this funding is critical to success. As discussed above, even with funding, in areas like Wealden District, the competition for land on the edge of settlements is fierce and professional fees for planners, architects, lawyers etc. are also a significant hurdle to overcome.

The provision of training for community groups, including neighbourhood planning groups, in the form of online training or a written guide would certainly provide a useful source of information for these groups and may help to answer any questions they may have about the process of delivering affordable housing on exceptions sites. Examples could also be provided of community groups who have successfully delivered affordable housing on exception sites. Many community groups may find it a daunting process to deliver affordable housing, particularly if they have never done this before, and would view their lack of knowledge as a

barrier to doing so. Training is therefore essential for these groups alongside sufficient funding overall.

Question 56. Do you agree with these changes?

The government is proposing to include a definition of 'community-led development' housing that is developed by a group originally set up for a purpose other than housebuilding (the definition currently only includes developments taken forward by a not-for-profit organisation set up with the purpose of meeting the housing needs of its members and the wider local community). WDC agree with this change to the definition, which will enable more groups to deliver community-led housing. There does however need to be a clearer explanation of the types of groups included within the definition. For example, would this include neighbourhood planning groups or parish councils?

The government also states that it is proposing to remove the size limit for community-led exception sites, where an alternative limit is established through the development plan. Whilst no paragraph number is given, presumably this relates to the proposed paragraph 74 of the NPPF and footnote 39. Whilst the risk of large-scale developments coming forward in rural locations is relatively low, there are some settlements within Wealden District that are considered unsustainable and where we would not expect large/medium scale development to come forward on sustainability grounds (i.e. those villages with a lack of sustainable transport modes, poor provision of services etc.). If the size limits are removed for community-led development, there is a risk that large scale development could come forward in unsustainable locations. If the limits were to be determined as part of a local plan process, this may result in a planning system whereby there could be vast differences across the region in terms of the size limits imposed on community-led exception sites. WDC does not therefore agree with the proposed removal of the size limit for community-led exception sites, even where an alternative limit is established through the local plan.

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?

Annex 2: Glossary of the NPPF (December 2023) confirms under 'affordable housing for rent' that it needs to meet several conditions including condition b) that states 'the landlord is registered provider, except where it is included as part of a Build to Rent scheme'. As it stands, all community led schemes for affordable housing would be required to have a registered provider as the landlord and this would need to change to incorporate community-led developers and almshouses, if the government's proposal at Question 56 is to be strengthened further.

In this respect, WDC would wish to ensure that any affordable housing for rent that is built on community-led schemes remains for affordable rent in perpetuity. Our main concern would be if community-led developers, almshouses or others (i.e. non-Registered Providers), are permitted to be landlords of affordable housing for rent, there may be difficulties in the long-term safeguarding the provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. There may also be practical issues associated with non-registered providers in terms of nominations rights.

Registered providers must meet a number of economic and consumer standards, that have been enhanced through the Social Housing (Regulation) Act 2023 and are more likely to keep operating in the long-term. WDC believes that social housing should be of good quality and that residents should be able to have access to swift and fair redress, if issues are raised. If community-led developers, almhouses or others are permitted to manage affordable housing for rent, with no requirement to meet these strict standards, the rights of future residents could

be affected for the worse. If the definition is to change, there would need to be a guarantee that those economic and consumer standards would still be upheld.

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?

WDC is supportive of the government's ambition to encourage a greater use of small sites for housing, especially those that will deliver high levels of affordable housing and are built out relatively quickly. However, smaller housing sites tend to be in more urban areas, and this presents opportunities for Small and Medium (SMEs) housebuilders to redevelop brownfield land in major towns and cities, therefore helping to achieve government ambitions to utilise disused and derelict land for housing in the most sustainable settlements. WDC believes that these urban local authorities should be prioritised, as they demonstrate the most effective use of land and allow for the creation of thriving communities located near to existing services, job opportunities and facilities.

Research gathered by the Federation of Master Builders[9] identified that in the 1980s, SME housebuilders were responsible for the construction of 40% of all new homes built in England. This has now significantly lowered to only 12%; therefore, WDC considers that more can be done to help support small and medium housebuilders, who bring forward the majority of small sites.

In terms of the specific wording of paragraph 70 of the NPPF (December 2023) at criteria a), WDC suggests that local plans for urban authorities (this would need to be defined) should be required to accommodate a greater percentage (i.e. beyond the 10% already identified in existing national planning policy) of their housing requirement on sites no larger than one hectare. This will help to ensure that a larger number of small sites are allocated within those local plans, therefore providing greater opportunities for SME housebuilders. This will also assist in the government's objective of delivering housing on brownfield land in urban areas and reduce the need for development on greenfield land in neighbouring local planning authorities. The additional support for SME housebuilders could offer valuable assistance to local planning authorities in assisting them to achieve a five-year housing land supply position. In light of the above, the Council suggests altering the wording of criteria a) of paragraph 70 of the revised NPPF for urban authorities to accommodate more of their housing need on small to medium sized sites.

However, we should also note that for smaller sites, in some instances, the margins of viability are tighter on such residential development sites and there may be less likely to deliver affordable housing, particularly where it falls below the Council's own affordable housing threshold. Given the above, we would suggest that new smaller sites may not, in all cases, deliver any affordable homes (let alone high levels of affordable housing).

WDC is concerned that the introduction of a one size fits all policy for small sites, with a higher prescriptive figure than 10%, may potentially penalise rural local planning authorities such as Wealden, if there is no flexibility in place to diverge from this figure. Wealden District is a predominantly rural authority with a small number of market towns and villages, the largest of which is Hailsham that has a population of 23,263 (2021 Census Data). There is little history of industrial legacy within the district. Therefore, it is expected that there are very limited number of sites smaller than 1 hectare are available for redevelopment and could be suitable for SME housebuilders to develop. Therefore, whilst supportive of strengthening the wording within paragraph 70 of the revised NPPF, particularly for urban authorities, the Council

[9] Federation of Masters Builders – FMB and UK Finance unite to support small housebuilders: 25 July, 2022

considers that any wording must also continue to allow local planning authorities with extenuating circumstances to diverge from the target where this is proven necessary.

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?

The government proposes to reverse changes made in 2023 to the NPPF (December 2023) that reference 'beauty' and 'beautiful' in relation to well-designed development. In its response (March 2023) to the previous consultation on changes to the NPPF (which encouraged beautiful development), WDC commented that there are issues with the use of the word 'beautiful' and encouraging beautiful design in that the term is subjective and what may be beautiful in a developer's eye may not be to a local planning authority or local residents. Also, what is considered beautiful changes over time and is constantly evolving, therefore, to attempt to define it at a single point in time is very difficult. WDC also commented that it is simply not possible to make every building beautiful, some buildings by their very nature are required to be functional, and that perhaps beauty is too high a goal on every application for every use. WDCs position on this is unchanged and WDC therefore welcomes the removal of some of the references to 'beauty' and 'beautiful' buildings. WDC would further suggest that references to beauty and beautiful could be removed from other places within the NPPF where it still remains. Good design is not just about how a building or place looks but also how it functions. The National Design Guide and the National Model Design Code recognise this, and the government's proposed changes will help the NPPF align more closely with these key design documents.

The consultation proposes that the second sentence of paragraph 138, referring to the tools and processes for improving the design of development, is changed from 'the primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code' to 'The National Model Design Code is the primary basis for the preparation and use of local design codes'. WDC has no objection to these changes, but as we referred to in our response to Question 5, this paragraph and the chapter more generally, could be more specific as to what the government expects or requires local planning authorities to produce in terms of area wide design codes.

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

Paragraph 124e of the NPPF (December 2023) was updated to encourage the development of mansard roofs as an appropriate form of upward extension. The new government believes that this places a disproportionate emphasis on one type of upward extension development and proposes removing the emphasis on mansard roofs in paragraph 124e, which will now be referred to as just one example of an appropriate form of upward extension that national policy supports.

In its response to the consultation on previous changes to the NPPF (which introduced the text on mansard roofs), WDC commented in March 2023, that whilst mansard roofs may be acceptable in some situations, they should not be universally supported in all parts of Wealden, or indeed the country, where this is not part of the local vernacular. WDC did not agree that a specific reference should be made in the NPPF to mansard roofs or that they should be supported regardless of context or the local vernacular. Our position remains unchanged and WDC welcome the removal of specific reference to mansard roofs in paragraph 124e of the NPPF, other than as an example of one of many forms of possible upwards extensions.

The consultation also proposes a change at the end of paragraph 124e of the NPPF. Currently, this criteria states that a condition of simultaneous development should not be imposed on an

application for multiple mansard extensions unless there is an exceptional justification. It is proposed to change the word mansard to 'upward', thus applying to all upwards extensions, not just mansard roofs. WDC agrees with this suggested change of wording.

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

WDC has no further comments to make on this chapter.

Chapter 7 – Building infrastructure to grow the economy

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

The government proposes changes to paragraph 86 b) of the NPPF (December 2023) that seeks to ensure the planning system meets the needs of a modern and changing economy, by making it easier to build laboratories, gigafactories, data centres and digital infrastructure, and the facilities needed to support the wider supply chain. The proposed changes would create a positive expectation that suitable sites for these types of modern economy uses are identified in local plans or through set criteria. There are additional proposed changes to paragraph 87 of the NPPF (December 2023) that apply to both plan-making and decision-taking and set more explicit expectations about the commercial requirements that require particular recognition.

The proposed changes to paragraph 87 a) of the NPPF (December 2023) aim to further support the development of knowledge, creative, high technology and data-driven sectors, by giving more explicit recognition of the need to support proposals for new or upgraded facilities and infrastructure (including data centres and electricity network grid connections) that are key to the growth of these industries. This is in principle supported.

The proposed wording to paragraph 87 b) of the NPPF (December 2023) has been amended to ensure supply chains, transport innovation and decarbonisation are considered, in terms of the locational requirements of the storage and distribution sectors. These proposals aim to support the growth of the freight and logistics sector by encouraging decarbonisation, adaptation to changing patterns of global trade, and adoption of new and emerging technologies across its transport, distribution and storage operations.

The proposed changes to 87a) and b) of the NPPF (December 2023) are supported in principle, but it should be acknowledged that there is a heavy energy use by data centres specifically and emissions from vehicles using freight and logistics facilities, which is not adequately addressed. Additionally, WDC notes a punctuation error at revised paragraph 85 b) of the NPPF at 'locations. that allow for the'; perhaps this was intended to be a semicolon.

New wording proposed at paragraph 87 c) aims to support the expansion or modernisation of other key growth industries by consulting on an expectation that additional commercial sites (outside of those identified in paragraphs 87 a) and 87 b)) are identified in plans and positively considered in planning decisions, when they are of local, regional or national importance, and to further support economic growth and resilience. This is also supported by WDC.

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

As it stands, national planning policy does not specify exactly where new employment development should go, except for 'offices' that are considered 'main town centre uses' in Annex 2: Glossary to the NPPF (December 2023) and are therefore directed towards town centres first. However, it notes that planning policies should recognise and address the

specific locational requirements of different sectors, such as storage and distribution uses (Use Class B8) being located in suitably accessible locations (i.e. on trunk roads) at paragraph 87 of the current NPPF (December 2023). National planning policy also supports a prosperous rural economy, including rural diversification and the expansion of existing rural businesses, subject to constraints.

For WDC, the employment evidence base[10] confirms a significant need for employment uses, specifically in the B2 and B8 use class, rather than offices. There is clearly a need nationally for the types of industries suggested and these should be supported, but there should equally be recognition that these types of industries will require significant industrial floorspace, can be resource intensive in terms of energy, and may not be able to combat climate change effectively without significant efforts to decarbonise. There are limited other sectors that are seen within Wealden District that require specific consideration within a revised NPPF that do not fall within this chapter already.

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 Nationally Significant Infrastructure Planning (NSIP) consenting regime?

The government proposes to enable digital infrastructure, gigafactories, and/or laboratories as types of business and commercial development projects to opt into (on request) the NSIP consenting regime, through section 35 direction, on request and subject to certain conditions.

The Planning Act 2008 introduced a new bespoke (NSIP) consenting route for major infrastructure projects in the fields of energy, transport, water, waste and wastewater. In 2011, amendments through the Localism Act 2011 brought democratic accountability, with decisions made by Secretaries of State. The regime was extended in 2013 to include large scale business and commercial schemes and again in 2016 to allow related housing development to be consented as part of a Development Consent Order (DCO).

The NSIP process has successfully reduced the time taken for major infrastructure projects to achieve development consent to an average of around 4 years[11]. This is particularly important as we face ever more urgent challenges on transport, energy security, water and wastewater and climate change. WDC supports the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development that could go through the NSIP consenting regime. However, clear guidelines regarding the threshold for these projects should be made clear through these reforms.

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?

WDC believes that should the direction power be extended to digital infrastructure, gigafactories, and/or laboratories as types of business and commercial development projects, this would need to be limited by scale. Smaller developments of these projects, at a scale that does not have national impacts, should be shaped by the local planning authority and the residents who are most affected by such decisions. This should be considered on a case-by-case basis and should only be dealt with through the NSIP consenting regime where there are genuine national impacts (either in terms of the development itself, or its impact on national highways for example).

[10] Employment and Economic Study for Eastbourne and Wealden, April 2022
[11] Nationally Significant Infrastructure: action plan for reforms to the planning process

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

The latest Employment and Economic Study for Wealden and Eastbourne (April 2022) provides information as to where employment is situated within the district and concludes that it's a relatively even split between rural and urban employment. Levels of sole proprietorship are also relatively high in Wealden at 18.6% of enterprises compared to 13.5% across the southeast region and 14.5% across England as a whole.

It is considered that for a relatively rural local planning authority, such as Wealden, chapter 6 (Building a strong, competitive economy) of the NPPF is currently sufficient to drive economic growth in the district and allows for some degree of autonomy to deliver new economic growth in the areas that best suits the local area. It also allows for the expansion of existing rural businesses, which makes up a significant proportion of Wealden's economy. Furthermore, the rural nature of the local planning authority means that improving infrastructure is the local authority's economic priority, and this should also be a priority of the government to drive growth, as well as decarbonisation of the economy and transport sectors specifically.

Chapter 8 – Delivering community needs

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

WDC agrees with the changes proposed to paragraph 100 of the existing NPPF (December 2023). The proposed change is small but notable as it introduces significant weight for facilitating '*new, expanded or upgraded public service infrastructure'* when considering proposals for development. The proposed change recognises that growth cannot take place without the delivery of new, expanded or upgraded public service infrastructure. This is particularly encouraging as the government is seeking to place a renewed emphasis on strategic planning, which aims to deliver a more coherent spatial strategy, not just piecemeal urban expansions by integrating new housing with public service infrastructure which also reflects the stance of WDC's emerging local plan. The changes proposed to paragraph 100 of the existing NPPF will ensure a balanced approach to development, facilitating development either where public service infrastructure can be expanded or upgraded to support growth, or where future growth can best facilitate new and/or improved public service infrastructure and this is strongly supported by WDC.

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

WDC notes and supports the references to early years and post-16 places incorporated at paragraph 99 of the existing NPPF (December 2023). The inclusion of early years and post-16 places to paragraph 99 of the existing NPPF is useful as it provides specific clarification on the requirements for early years and post-16 education within the scope of plan making and granting planning applications. WDC is already considering such issues as part of collecting infrastructure contributions for new housing development and this provides a formal basis for this.

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

WDC notes the changes proposed to paragraphs 114 and 115 of the existing NPPF (December 2023). The proposed changes to paragraph 114 of the existing NPPF requires the adoption of a *"vision led approach"* to promoting sustainable transport modes when assessing sites that may be allocated for development in plans, or specific applications for development. In reality, the proposed amendments to the provisions set out at paragraph 114 of the existing NPPF require site allocations or specific development proposals to look beyond the traditional approach of mitigation (referred to as predict and provide or 'planning for vehicles') and places

a much-needed emphasis on delivering mitigation as well as contributing to delivering a decarbonised, sustainable transport system using an approach for 'planning for people and places'. If this new focus will drive the need to address the climate crisis, including delivering a carbon neutral places and spaces as well as supporting sustainable transport modes (walking, wheeling, cycling and public transport) whilst enabling the adoption of vehicles with cleaner fuels alongside the utilisation of emerging transport technologies which will help towards the creation of healthy, inclusive and high-quality places, then WDC could support this change. Further detail will be needed to fully understand what would be required to demonstrate a vision led approach through the plan-making system to evidentially support a Local Plan.

However, this "*vision-led approach*" should also be considered in other areas of government in terms of reversing the decline in public transport and discouraging private car use. The principles behind the change are supported, but it should not be used as a tool to push forward with development of scale without serious proposals for public transport reform, or through supporting other carbon neutral transport modes.

The proposed changes to paragraph 115 of the existing NPPF (December 2023) confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, *"all tested scenarios"*. What is considered reasonable in relation to *all tested scenarios* is obviously an area of debate, and more details are required. As the proposed change is likely to have a significant impact on WDC, further clarifications on the highway assumptions are required to assist developers to design new places and spaces defensively, as well as unlock schemes that have been stalled by highway objections.

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

The importance of addressing health and health inequalities through the planning system is substantial. Planning decisions can influence the design and use of the built environment which plays a pivotal role in how the environment is accessed for physical activity, active travel and healthier food and drink options. At present, paragraph 96 (c) of the NPPF (December 2023) makes it clear that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. Overall, Chapters 8, 9 and 12 of the NPPF set out explicit policy requirements pertinent to promoting a healthy population and it is noted that 'planning for health' is a high priority for the government.

Nonetheless, WDC considers that more emphasis on health and health inequalities is needed in national planning policy and is keen for the planning system to consider and use public health data to understand where in society people have the worst health and ensure that new development is shaped in ways that could help improve it. We also consider that the revision of the current NPPF offers an opportunity to help facilitate the design, modification and use of the built environment to promote increased levels of physical activity, discourage sedentary behaviour and/or provide easy access to healthier food options. Therefore, we would like the government to prioritise and refer to 'health inequalities and healthy weight environments' in national planning policy. We expect that the current policy approach, which focuses mainly on the provision of health facilities, to engrain 'reducing health inequalities' and 'promoting a healthy weight environment' as relevant. We are supportive of policies that provide a stronger focus on reducing the impact of the natural and built environment on health and health inequalities. We are particularly supportive of the Town and Country Planning Association (TCPA) and Public Health England (PHE) 6 elements to help achieve healthy weight environments through planning in the 2014 publication 'Planning Healthy Weight

Environments'. We would like national planning policy to be aligned with TCPA and PHE's 6 elements which aim to support and/or inform the development of place-based schemes to create environments where the healthier choice is the easiest choice. We consider that the revised NPPF should also give significant weight to the promotion of healthier places and tackling health inequalities when considering development proposals.

We recognise that the causes of childhood obesity are wide-ranging and complex, and this requires action from individuals, partners and the society at many levels across multiple sectors. As a result of this, we would like national planning policy to guide local planning policy as well as use the development management process to address the root causes of obesity which are not consistently applied across the country due to its multi-faceted nature. We would like for the government through national planning policy to require local planning authorities to provide and consider evidence where appropriate, to support the introduction of takeaway food outlet exclusion zones around locations such as schools, parks and leisure centres, which are often frequented by children and families. We expect this evidence to inform local policies and strategies, and to further strengthen policies around the proliferation of fast-food outlets, active travel, access to green spaces and physical activity to create an environment that makes it easier for children and families to make healthy choices, particularly in some of the most deprived areas.

Introducing requirements for developers to undertake Health Impact Assessments (HIAs) for specific types of schemes could be used to tackle health and health inequality issue, including obesity.

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

Please see response to Question 70 above.

Chapter 9 – Supporting green energy and the environment

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

The consultation is proposing to reintegrate large onshore wind projects into the NSIP regime to further bolster support for renewable energy by doubling onshore wind energy capacity by 2030. We recognise the need for new, expanded and/or improved infrastructure to realise energy security, improve environmental outcomes to support the government's net zero agenda, and deliver the much-needed infrastructure this country needs. We agree that the planning and development of new onshore wind projects was unnecessarily complex and therefore, we are supportive of the lifting of the de facto ban on onshore wind in England which has been in place since 2015, meaning that decision-making for large-scale wind projects will be taken nationally not locally.

Whilst in principle WDC is supportive of the reintegration of large onshore wind projects into the NSIP regime, we are concerned that the current NSIP consenting process under the Planning Act 2008 is longwinded, onerous, complex, expensive and front-loaded with the risk of legal challenge. The shift to national government led decision-making for large-scale wind projects rightfully raises concerns about recognising the role local people and their communities can play in the NSIP decision-making process, particularly where they wish to take the lead in deploying community energy schemes as well as balancing other land uses (such as housing and food production) against meeting the government's net zero target by 2050 with our limited land resources. We acknowledge that the delivery of onshore wind projects is a crucial way of meeting the UK's net zero targets, but we would like the deployment of onshore wind to be carefully considered against an up-to-date NSIP regime. We note that the proposed initiative will simplify planning rules for onshore wind projects as well as other

large infrastructure projects by removing specific hurdles that previously faced these developments, as well as lower the cost of electricity, reducing household bills, strengthen energy security, generate high-skilled jobs and tackle climate change, which is supported.

The government has stated that it also intends to consult on bringing large onshore proposals within the scope of the 'nationally significant infrastructure projects' (NSIPs) regime 'to speed up the NSIP decision-making process and follow this by revising the relevant National Policy Statement (NPS)'. More information is required on when and to what extent the NPS will be updated, including whether this will reintroduce onshore wind within scope of those statements or go further and apply wider changes. We would therefore suggest that the government undertakes the consultation on the re-introduction of onshore wind to the general energy NPS and the specific renewable energy NPS following this consultation. We are committed to engaging constructively with the government and other relevant stakeholders on the consideration and production of the relevant NPS.

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

WDC agrees with the proposed amendments to the NPPF to give greater support to the use and supply of renewable and low carbon energy. WDC supports the amendments to paragraph 161(b) of the proposed NPPF where local planning authorities are required to 'identify' as opposed to 'consider identifying' suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development, which is optional in the existing NPPF (December 2023). The strengthening of this paragraph will ensure that sites identified for renewable energy schemes come forward and contribute to reaching zero carbon electricity generation by 2035.

The proposed paragraph 163 of the NPPF requires that local planning authorities should 'also' give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic and this is expected to boost the use and supply of renewable and low carbon energy. The proposed changes to paragraph 164 of the proposed NPPF additionally state that 'local planning authorities should support planning applications for all forms of renewable and low carbon development'. The remainder of paragraph 164 retains the point that applicants are not required to demonstrate the overall need for renewable or low carbon energy; and 'gives significant weight to the proposals contribution to renewable energy generation and a net zero future'. We support this as the existing NPPF does not provide such a weighting, leaving decision makers to determine the weight to be given to renewable and low carbon energy generation against other planning matters. This approach will help decision makers to take positive steps to mitigating and adapting to climate change in line with the Climate Change Act 2008, whilst supporting the transition to a low-carbon future in a changing climate.

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?

WDC considers that some habitats such as peat soils are unsuitable for renewable energy development and should be managed and conserved due to their role in carbon sequestration. Habitats such as peat soils act as 'carbon sinks' storing huge amounts of carbon which will reduce emissions as well as act as a powerful nature-based solution to many of the global challenges we are currently facing, including climate change and flood risk, biodiversity decline and pollution. Protecting such habitats will also support fully functioning habitats rich in wildlife and will make an important contribution to the government's wider environmental agenda to protect and recover nature.

We are concerned that nature in general is continuing to decline at pace in the UK[12]. Therefore, it is important to preserve and enhance some habitats, including peat soils and trees/woodland that can contribute to mitigating and adapting to climate change through carbon storage, flood mitigation and/or urban cooling. It is noted that major infrastructure projects have contributed to this loss. With the government's commitment to develop and deliver major infrastructure projects, including renewable energy projects, the scale of habitat loss, much of it established habitat would technically be very difficult (or take a very significant time) to restore, recreate or replace once destroyed, due to their age, uniqueness, species diversity or rarity. The continued net loss of such natural habitats which sequester carbon, will undermine the government's plans to reverse the decline of and/or restore nature, particularly in the context of climate change. We expect major infrastructure projects to meaningfully contribute to nature recovery and biodiversity improvements, avoid any fragmentation and/or isolation of such habitats and create or enhance existing linkages between these natural habitats.

We also acknowledge that some major infrastructure projects cannot avoid significant harm to natural habitats, so we would prefer the delivery of new infrastructure projects and conservation, enhancement and/or restoration of natural habitats to occur in tandem to minimise the net loss of such natural habitats. We are particularly supportive of major infrastructure projects following the 'mitigation hierarchy' of avoid impacts first, then mitigate and only compensate as a last resort to limit the overall negative impact on such natural habitats. The "25 Year Plan for the Environment"[13] included a new commitment to embed 'an environmental net gain principle for development, including housing and infrastructure' within planning. This was taken forward by proposals in the Environment Bill for Biodiversity Net Gain (BNG), a new planning condition which currently requires developers to achieve at least a 10% uplift in biodiversity through their development. In the Council's view, the BNG requirements should have been more ambitious in terms of the uplift. However, the mandatory BNG is expected to apply to NSIPs (Nationally Significant Infrastructure Projects) only from November 2025. However, with the cost of exemption now clear, and renewable energy generation pipeline gathering steam, now is the time for government to consider bringing forward this timescale to ensure that BNG is applied to all major infrastructure projects.

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?

WDC agrees 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. That said, we recognise that government's proposal to raise the thresholds at which onshore wind projects are deemed to be 'nationally significant' is hugely ambitious, but it is needed to accelerate the scale and capacity of onshore wind proposals coming through NSIP regime than when the threshold was originally set. We have no immediate concerns with the proposed thresholds, as they aim at scaling up renewable energy generation in the UK. Despite that, we would like local support to be made a key material consideration in the decision-making process before an application is approved.

We are also aware that consenting is still a major bottleneck, and so far, the UK Energy Act 2023 has committed to reducing consenting timelines to ensure that the NSIP decision-making

[12] England - State of Nature
[13] 25 Year Plan for the Environment (2018). Available at: https://assets.publishing.service.gov.uk/media/5ab3a67840f0b65bb584297e/25-year-environment-plan.pdf

process does not restrict, stall and/or delay any ambitious onshore wind projects. We would therefore support the government bringing forward reforms to ensure the proposed changes to the current NSIP regime can support our future infrastructure needs through a more effective and fast-tracked process. We are committed to actively engaging with the government and other stakeholders to make the NSIP consenting process better, faster, greener, fairer and more resilient.

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?

WDC agrees 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. We recognise the huge potential solar power can contribute to the decarbonisation of the energy sector. As discussed above in question 75, in principle, we are supportive of the government's proactive approach in seeking to deploy solar projects and other renewable energy infrastructure through a faster, fairer and more effective planning regime.

Nonetheless, consenting difficulties still remain and now is the time tackle these difficulties to realise the much-needed delivery of solar projects and to catch up and fill the void created by the period of inactivity. We would therefore suggest that government makes changes to the relevant NPSs as well as introduce reforms to speed up the NSIP decision-making process following this consultation.

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

We think the discussion around alternative thresholds should be for the energy sector and government to consider, but we would note again that whatever the threshold, we would like local support to be made a key material consideration in the decision-making process before an application is approved above this threshold.

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

WDC welcomes the review of the NPPF and sees this as an opportunity for the government to provide more detail and further clarity on how the planning system is expected to tackle the causes and impacts of climate change in line with its key priorities. We recognise that the planning system has a pivotal and positive role to play in finding solutions to the climate crisis as it provides the means to which a range of mitigation and adaptation proposals will be consented.

The climate is already changing, so strengthening the wording on 'climate adaptation' or 'adaptation planning and action' in national planning policy is key. The Climate Change Committee's (CCC) Independent Assessment of UK Climate Risk (CCRA3) (2021) sets out the climate change risks and opportunities for the UK and affirms that 'to achieve net zero, we must integrate adaptation action into mitigation efforts. Successful mitigation will in turn ensure adaptation remains achievable'. While the UK continues to work towards net zero, central government, local government and other key stakeholders must implement policies and plans to ensure people, homes, businesses and cultural heritage are resilient to climate change risks such as flooding, drought and overheating/heatwaves. We would recommend that more emphasis is given to 'place-based adaptation to climate change' in national planning policy to ensure that climate resilience is given greater priority, with mandatory adaptation interventions such as no or low-cost nature-based solutions required in all new development.

To accelerate adaptation planning and action, we would also recommend that the government aligns its preferred policy approach for 'climate adaptation' with the recommendations of seven key themes and topics[14] set out in the refreshed National Adaptation Plan (NAP3).

The NAP3 adaptation accelerator programme would provide the foundations for the long-term adaptation strategy and drive actions towards adaptation. Although the levels of preparedness amongst local authorities varies significantly, both across different types of authorities and the range of climate risks, it is important for the government to actively engage local authorities who are at the forefront of 'climate adaptation' as they play a key role in shaping places.

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?

WDC acknowledges that the UK is facing a climate emergency and to reach net zero by 2050, the built environment will drastically need to reduce its carbon emissions. It is noted that the energy sector is the source of around three-quarters of greenhouse gas emissions in the world today[15], with transport being the biggest contributor to the UK's carbon emissions[16]. This calls for a complete transformation of how we produce, transport and consume energy, bringing the issue of carbon accounting to the forefront. Carbon accounting is essential in tracking the progress of reducing emissions and implementing effective strategies to reach a net-zero future. The planning system can play a major role in ensuring that new development contributes to climate change mitigation by reducing emissions through energy efficiency and the way that fossil fuels are used, as well as addressing the ways in which developments are designed, constructed and operate over their lifetime.

For the planning system to achieve its commitment to reach net zero by 2050 or sooner, there must be a clear and accurate picture of what development, including transport is emitting, and it is only with transparent accounting that the planning process can capture, compile and report the data to mitigate emissions. We are aware that many individuals, organisations and industries are increasingly prioritising sustainability practices and initiatives to reduce their carbon footprints and comply with regulatory legislation, but the need for a robust carbon accounting strategy has never been more pressing. We consider the role of technology in carbon accounting to be crucial. We note that there are several sophisticated tools available for carbon accounting, such as the Greenhouse Gas Protocol, Carbon Trust, and various software platforms like SimaPro and GaBi to help organisations to measure, manage, and report their carbon emissions accurately.

Tackling the climate emergency through reductions in greenhouse gas emissions and reducing energy and fuel consumption is an important focus for Wealden's draft Regulation 18 Local Plan and is central to achieving the government's target for net zero and the Council's wider sustainability objectives. Currently, Wealden District uses the Greenhouse Gas Protocol for carbon accounting as well as the national data sets produced by DESNEZ (once a year - 18 months in arrears) for per capita emissions and district wide emissions. Our emerging local plan policy for Net Zero Development Standards (Policy CC1) for example requires all residential and non-residential development to achieve the LETI best practice 2020 target for embodied emissions. Our emerging local plan policy for reducing energy consumption in existing buildings (Policy CC2) expects all major development to achieve Excellent BREEAM Standard, which is another form of accounting tool. Transport for the South East is also developing a carbon accounting tool for transport projects by calculating the most up to date

[14] Accelerating adaptation action: Councils preparing for climate change | Local Government Association
[15] Net Zero by 2050 – Analysis - IEA
[16] Decarbonisation - Transport for the South East

'at tailpipe' carbon emissions for road and rail and now has a baseline (using the South East Economy and Land Use Model (SEELUM - a Land Use and Transport Interaction model[17]) from which to plan a better, more sustainable transport network.

Despite efforts by the previous government and organisations to improve the accuracy of carbon accounting technologies and tools, they still fall well short of capturing, compiling and reporting accurate data to help to reduce carbon footprint and transition to a net-zero future sooner. One of the biggest challenges is the availability and quality of data. Accurate carbon accounting requires comprehensive and reliable data, which can be difficult to obtain, especially in sectors with less stringent reporting requirements. Implementing advanced carbon accounting technologies and tools can be costly and resource-intensive particularly for smaller organisations or those with limited budgets that may find it challenging to adopt these tools and technologies. Effective use of carbon accounting tools requires a certain level of technical expertise, and many organisations are likely to invest in training or need to hire specialised staff, which can be a barrier to adoption. There is also a lack of standardised regulations and guidelines for carbon accounting, which can lead to inconsistencies in reporting and difficulties in comparing data across different organisations and regions.

With the stakes so high, data quality and availability, reducing costs, standardising regulations, building technical capacity, expertise, experience and efficiency, and enhancing integration have all become business critical. With an ambitious roadmap to Net Zero Emissions by 2050, standardising the regulatory landscape for carbon accounting, investing in training and education to build technical expertise and better data collection methods and developing more cost-effective solutions will enhance the accuracy and effectiveness of carbon accounting in plan-making and planning decisions.

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

There is a particular need to align the approach on flood risk sequential test in the revised NPPF with the PPG on 'Flood Risk and Coastal Change'[18]. This is also compounded by the Mead/Redrow High Court Judgement[19]. WDC recognises that aligning the approach on sequential test will ensure consistency in the interpretation of when and how the sequential test for flood risk should be applied, and when it does, what it should entail in decision-making. We consider the alignment of the approach on flood risk sequential test to be a high priority as they have the same legal status. The PPG on "Flood Risk and Coastal Change" includes much more detail than the NPPF when it comes to the sequential test currently. The PPG clearly sets out two main points:

- The sequential test should take account of all sources of flooding including areas at risk of surface water flooding and fluvial (river and tidal) flooding.
- The presence of existing flood risk management infrastructure should be ignored initially, as the long-term funding, maintenance and renewal of this infrastructure is uncertain. This however means that, a sequential test cannot be avoided on sites that are at risk of flooding from any source, even if a site-specific Flood Risk Assessment concludes that there is a low risk of flooding due to existing flood defences or proposed development mitigation measures.

[17] Transport for the South East (2020) Transport Strategy Carbon Assessment. Available at Microsoft Word - Carbon assessment technical report final (TfSE branded) (transportforthesoutheast.org.uk)
[18] Flood risk and coastal change - GOV.UK (www.gov.uk)
[19] Mead/Redrow High Court Judgement

Whereas paragraph 168 of the NPPF (December 2023) states that 'the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source'. This demonstrates that the PPG is more explicit, in that other forms of flooding need to be treated consistently with fluvial flooding, meaning that all sources of flood risk are to be considered through the sequential test. Paragraph 168 of the NPPF also confirms that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The PPG states that 'reasonably available sites are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. The PPG goes further to say that reasonably available sites could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered reasonably available'. We note that there must be a relationship between the 'series of smaller sites' for them to be a reasonable alternative.

We note that where there is an unmet development need, it trumps any factors, including any failure to satisfy the sequential test. This is particularly important when the capacity of all the sequentially preferable, reasonably available sites is less than a local area's unmet development need and national policy requires that land which is not sequentially preferable to come forward too. That said, we would prefer the parameters for identifying reasonably available sites within a local planning authority area to be considered and agreed at the outset. This will help to provide clarity for decision makers. At the very least, the NPPF and PPG needs to be revised so that they are consistent with each other.

The current focus around climate change adaptation in the proposed NPPF in chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) does not make any explicit connections to nature-based solutions to tackle the impacts of climate change such as green infrastructure, other than the provision of Sustainable Urban Drainage Systems (SuDS) and the management of flood risk. Climate change adaptation includes resilience to all climate risks, not just flooding, which may impact local communities. Therefore, we consider that there should be more linkages between the paragraphs in Chapter 15 (Conserving and Enhancing the Natural Environment) and Chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) of the NPPF to demonstrate the multiple benefits the natural environment can make to climate change adaptation and mitigation. For example, Chapter 14 could be revised to include requirements for developments to provide significant green infrastructure as part of new developments. This would provide a coherent and joined up approach within the revised NPPF to link climate change and the natural environment.

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

Climate change is considered as the greatest long-term challenge facing the UK today and we understand that securing the mitigation of, and adaptation to, climate change is the government's principal concern. Therefore, alongside all the other actions that can be taken through planning such as promoting renewable energy, sustainable transport and green infrastructure, managing overheating, water resources and the growing challenges of coastal and surface water flood risk, national policy needs to explicitly reflect the government's ambition to help the natural and built environments prepare for the impacts of climate change. This will require the plan making and planning decision process to consider the objectives and provisions of Climate Change Act 2008[20], including the 2050 net zero carbon target. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are adapted to. The Act also establishes the framework to deliver on these requirements.

[20] Climate Change Act 2008 (legislation.gov.uk)

We understand that the unfolding scale of climate change presents a huge challenge for our environment, society and economy, so we see the review of the existing NPPF as an opportunity for government to give significant prominence to national climate resilience/ adaptation as a cross-cutting theme in policy formulation.

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

The government is proposing to remove the following text from footnote 63 of the NPPF (December 2023): 'the availability of agricultural land used for food production should be considered, alongside other policies in this Framework, when deciding what sites are most appropriate for development'. The government still believes that food security is important for national security and that safeguarding the best and most versatile agricultural land is an important consideration, however, are of the opinion that the text to be removed does not provide a material benefit, particularly as it gives no indication of how authorities are to assess and weigh the availability of agricultural land when making planning decisions.

WDC already consider land classification as part of the SHELAA process and the overall local plan process when assessing sites for development and will continue to do so whether the footnote is in place or not. WDC agree that the part of the footnote to be removed does not add anything to the text above and would support it being removed. It does however suggest that the BMV agricultural land of the highest grades (i.e. grades 1 and 2) could be given greater protection from development, although the mapping of this data at the national level does mean that this will be difficult to administer (see Question 83 below).

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

The current guidelines and criteria for grading the quality of agricultural land date from 1988 and the associated map for London and the South East dates from 2010[21] and cannot be used to identify individual fields. We need a more up to date and accurate mapping of agricultural land classification for the different regions around the UK, including the South East. This will greatly help in our site assessments and ensure that any assessment of sites for development is based on accurate data.

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 government is proposing to add four additional water infrastructure projects to the list of NSIPs at Section 14 (1) of the Planning Act 2008[22], to provide water undertakers with greater certainty on the planning route for their new strategic water infrastructure, thereby supporting faster delivery. These consist of:

a. water infrastructure projects that are designed to be used intermittently but provide significant peak water supplies during droughts;
b. the construction, maintenance or operation of water infrastructure by a third party on behalf of a water undertaker;
c. water recycling; and
d. infrastructure which transfers treated drinking water.

[21] Regional Agricultural Land Classification Maps
[22] Planning Act 2008

WDC agrees with the proposed amendments to the Planning Act 2008. By requiring these projects to go through the NSIP approval process any issues relating to the environmental regulations will be covered thoroughly.

However, whilst we agree with the addition of these projects to the list of NSIPs we do not necessarily agree that this will ensure faster delivery. The NSIP process can take years to reach a decision[23] and gaining planning permission is going to take longer than under the current system. It is also more expensive for applicants. We would suggest that if the aim of adding these water infrastructure projects to the list of NSIPs is to ensure faster delivery then the NSIP process needs to be revised and simplified, including revisions to NPS. Our other suggestion would be that stakeholders need to be engaged in the process somehow. By moving these projects to the list of NSIPs, the government would effectively be moving the decision-making process further away from local people, which, given the issues that the district has been experiencing with water infrastructure, will be difficult for our local communities to agree with.

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?

The current legislation makes it impossible for wastewater or water providers to object, or for local planning authorities to refuse granting planning permission for development on the grounds that no improvement works are planned for a particular area. WDC has experienced issues with water companies promising to deliver infrastructure alongside planning applications but it not then materialising. Water companies are required to produce Five Year Plans but there appears to be little recourse if they fail to meet them. WDC would wish for the government to consider binding targets for water companies and penalties for those who fail to deliver on their Five Year Plans

Following a catalogue of issues, including flooding, sewage leaks, problems caused by discharges into rivers and the inability to deal with additional development, WDC have set up a Southern Water Stakeholder Group and a Working Group[24]. Its main objective is to act as a platform for local authorities to come together from across the South East, to hold Southern Water (and their regulators) to account for the poor quality of our waterways and coastline. The working group has met to help form a set of priorities which include improved planning application consultation responses, standardised data sharing between Southern Water and local planning authorities, complete central statistics office data production, full transparency around all planned upgrade works and to work with the Environment Agency, Ofwat, MHCLG and DEFRA to deliver a more joined up and robust enforcement regime. It should not be the responsibility of local planning authorities to organise themselves in this way, but due to the issues we are facing regarding our water infrastructure, we have felt this was the best way forward.

As well as improving water infrastructure provision the enforcement regime needs to be overhauled to ensure it is sufficiently robust to deter water companies from carrying out illegal discharges and causing environmental harm. The government must ensure that Ofwat and the Environment Agency are sufficiently resourced to be able to carry this out.

It has also been suggested at the Stakeholder Group meetings that the government could use the fines imposed on water companies to invest in infrastructure improvements and/or environmental restoration where the environment has been degraded due to the actions of water companies. Currently, it is not always clear where the fines paid by water companies

[23] Nationally Significant Infrastructure Projects: The stages of the NSIP process and how you can have your say
[24] Southern Water LPA Stakeholder Group and Working Group Minutes

are spent. More generally, there needs to be a mechanism of ensuring that water companies invest in water infrastructure at the levels required.

Water companies are required to produce Five Year Plans whereas local plans usually cover 15- or 20-year periods. Proposed housing numbers and locations are shared with water companies at an early stage of local plan production and there should be a way of planning further in advance for the required water infrastructure to support development. This will be particularly important if the government's proposed housing targets earlier in this consultation are to be realised.

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

WDC understands that the government will be looking to simplify the consenting process for major infrastructure projects and will likely consult on amendments to the relevant NPS after this consultation. We will be actively engaging in this process.

Chapter 10 – Changes to local plan intervention criteria

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 consultation proposes removing the existing local plan intervention policy criteria (as set out in the 2017 Housing White Paper[25]) and either not replacing this or replacing them with new policy criteria, which would apply in addition to the legal tests set out in the Planning and Compulsory Purchase Act 2004.

WDC does not agree with the proposal to replace the existing intervention policy criteria and the WDC preference would be for the existing criteria to remain. The existing wording is clearer and more transparent than the suggested wording as set out in this consultation process, and it is clearer as to when the Secretary of State might intervene in the local plan process. The proposed new wording is vague and could result in more interventions taking place where it may not be required. The current wording within the 2017 Housing White Paper does target those local authorities who have a high housing need and have made limited progress with their local plans, whilst the proposed wording is not as 'targeted' and could apply to many local authorities across the country, which could make the process less locally democratic if used frequently.

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

Whilst the consultation makes it clear that the existing intervention powers existed for at least 27 years, without accompanying policy criteria, the legislation is lengthy and difficult to interpret. The existing criteria adds clarity, and our preference would be to retain the criteria in the 2017 Housing White Paper in addition to the legal tests and legislation.

Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

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 local planning authorities cannot resource their planning departments effectively. Developers tell us

[25] 2017 White Paper 'Fixing our Broken Housing Market'

they would welcome an increase in fees to enable local planning authorities to move quicker with planning 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.

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

Not applicable.

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?

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

Yes. However, the higher fee should just apply to extensions and larger projects rather than minor works such as outbuildings, fences and gates that fall outside the GPDO. Local planning authorities should have powers to increase this fee further if they can demonstrate that the cost of dealing with these applications is higher (see our answer to Question 94).

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. Section 73 applications which propose significant changes from the planning permission also require significant resources to deal with. The fee for these should be at least 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. It also requires the local planning authorities to recruit expert resource. However, a distinction could be made between applications to improve a listed building (that there should be a charge for) and those to repair it (no charge). A fee should also be introduced for applications for works to preserved trees and for responding to telecommunications consultations, as these also take up time (trees require arboriculture and ecology input) and telecommunication cases are a considerable drain of officer time.

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 planning authorities must 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 the 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 the application fees. This includes the costs of dealing with appeals and enforcement matters, 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?

We believe that Section 106 matters could fall within this. However, these are already paid for and/or funded via Planning Performance Agreements (PPAs) or locally set fees.

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 PPA 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 local planning authority 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 local highway authority or local lead flood 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 planning 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 local planning authorities are a major cause of delays in obtaining planning permission. Depending on the project, WDC has managed to negotiate some PPAs on some of these which have been either fixed fees or timesheet based. Its mixed. Adequate funding in itself will not resolve the general shortage of qualified/experienced planning professionals but will help local planning authorities to 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 PINs, payable to the local planning authority to offset the cost to councils of dealing with planning appeals. The Inspector should be given remit to refund the fee where an appeal is successful and/or unreasonable behaviour has occurred.

There is a pressing need for the government to grapple with amendments lodged during the appeal process. WDC considers this to be unfair and places local planning authorities and local residents/business at a disadvantage during the process.

Chapter 12 – The future of planning policy and plan-making

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

The consultation document sets out proposed transitional arrangements that seek to maintain the progress of local plans at more advanced stages of production, and this is supported. The consultation makes it clear that it is critical for work on plans to continue to progress to adoption under the existing system as well as before the new system is in place without delay. The consultation also makes it clear that the government wants to achieve complete coverage of up-to-date plans as soon as possible to put local planning authorities in the best position to steer growth in their area.

Notwithstanding this, the proposed transitional arrangements set out in the consultation document represents a significant shift in how local plans are prepared and implemented. We note that whilst the proposals aim to accelerate wider up-to-date local plan adoption and housing delivery, they also present significant challenges for how local plans will be prepared and implemented, particularly those that may need to revise advanced plans. Some of the most complicated changes relate to Annex 1 (Implementation) of the proposed NPPF from paragraphs 226 to 229.

The consultation outlines the following transitional arrangements for plans at different stages of preparation:

a) **Plans at examination:** All local plans that have been submitted for Examination by the time that revised NPPF comes into force will progress under existing NPPF. Where

the annual housing requirement in a local plan that is subsequently adopted is more than 200 dpa below the new local housing needs figure, the local planning authority will be expected to commence plan-making in the new plan-making system at the earliest opportunity to address the shortfall in housing need.

b) **Plans at Regulation 19 stage:** Where a local plan has reached Regulation 19, the annual housing requirement in the plan will be compared against the updated (new) local housing need figure for the authority area. If the emerging annual housing requirement in the draft local plan is more than 200 dpa below the new local housing needs figure, the local planning authority will be required to revise its emerging local plan to reflect the policies in the revised NPPF and the (new) updated local housing need and submit the plan for Examination within 18 months. Where the emerging annual housing requirement is within 200 dpa (or exceeds) the updated local housing need, the plan may progress to Examination under the existing NPPF.
c) **Plans at earlier stages:** All Local Plans that do not reach Regulation 19 by the time that revised NPPF comes into force (+ one month) would be required to take full account of the policies in the revised NPPF, including the updated local housing need figures.

It is noted that local planning authorities may need to revise their local plans if there is a significant gap between the new local housing need figure and proposed housing requirements under the proposed transitional arrangements. We are concerned that this requirement is complex and could impede plan-making across England, which will be counterproductive to one of government's core objectives (driving the wider adoption of up-to-date local plans) for revising the NPPF. Asking local planning authorities to start preparing a new plan immediately because of the gap between the new local housing need and emerging housing requirements could be a major disruption for local planning authorities currently working on advanced stages of local plans (i.e. post Regulation 18 onwards) under the current system, where preferred growth strategies and policy options have already been considered and selected. Inevitably, there is likely to be a delay where evidence needs to be updated to inform revised local plans coupled with the risks and cost of abortive work remaining real. This could further complicate and/or prolong the transition, which is likely to be resource intensive, and could prolong the period without an up-to date plan.

We welcome government's support for providing funding for local planning authorities needing to undertake additional work but, further detail/clarification is needed on the proposed transitional arrangements for the new plan-making system. Under arrangement c) above, it is considered that the + one month is not sufficient time to allow local planning authorities to digest the proposed changes to the NPPF, to check whether the draft local plan is compliant with those NPPF changes and then to amend the local plan if it is needed and then to submit for Examination. It is suggested that this time period should be extended to account for these practices otherwise it is likely to have the opposite effect of speeding up plan-making across the country.

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

As noted above, WDC supports the government's primary objective to drive many local plans to adoption as quickly as possible to achieve universal plan coverage across England, which is expected to align with its ambitious goal of delivering 1.5 million homes over that period.

The consultation confirms that the new plan-making system is expected to be implemented from summer or autumn 2025, although it is unclear exactly when the new NPPF will be published. Nonetheless, this would give local planning authorities more time to start planning for the transition to the new planning system in 2025, helping to ensure a smooth transition to the new system. The proposed implementation timeline would also help local planning authorities to reflect on the policies in the new NPPF and prepare robust plans. The

government also intends for local plans not subject to the proposed transitional arrangements to be submitted for examination under the existing plan making system by December 2026. We are supportive of this, as it would relieve local planning authorities of the current pressure to submit a Local Plan for examination under the existing plan making system by the end of June 2025, which may not be possible given the changes proposed in this consultation.

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

WDC has no further comments to make on this chapter.

Chapter 13 – Public Sector Equality Duty

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?

The proposed changes to the NPPF will have some impacts on people with protected characteristics. If the approach to the release of Green Belt through plan and decision-making is extended to traveller sites, it will result in a positive impact for Gypsies and Travellers, resulting in more opportunities for traveller sites and thus alleviating pressure on other local planning authorities to find suitable sites.

The consultation proposes to include explicit reference to looked after children in paragraph 63 of the NPPF, which should ensure that their housing needs are assessed and reflected in planning policy. WDC supports the addition of this reference. In addition, boosting the provision of affordable housing will make home ownership possible for more people, particularly young first-time buyers. However, WDC considers that more consideration could be given in the NPPF generally to young people and children.

The significant changes proposed to the parts of the NPPF that deal with affordable housing will allow the types, mix and amount of affordable housing to be determined locally according to need, which should benefit people across all the protected characteristic groups at paragraph 63 of the NPPF. However, WDC would argue that the proposed changes should have a greater positive impact on people with protected characteristics. The proposed changes to the NPPF are focussed on promoting housing growth, but some thought would have to be given to helping those with protected characteristics specifically. For example, in our response to the consultation on changes to the NPPF in 2023, WDC commented that whilst the legislation is already in place to combat gender inequality in the built environment with the Equality Act 2010 and the public sector equality duty, a clear lead could be given in the NPPF as to the importance of safety for women, girls and other vulnerable groups. This will provide a greater ability and willingness for local authorities to embed it in policy in their local plans.

Another example is paragraph 63 of the NPPF, which continues to set out that older people are one of the specific groups whose specific housing needs should be assessed and reflected in planning policies. The paragraph states that local planning authorities should pay particular regard to retirement housing, housing-with-care and care homes when establishing the housing needs of older people. However, it is noted that other forms of older persons specialist housing such as age-restricted general market housing, sheltered housing, extra care housing or nursing homes are not mentioned.