

## **Mid Devon District Council**

### **Consultation Response: Proposed Reforms to the National Planning Policy Framework and other changes to the planning system**

**September 2024**

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

The proposed changes to paragraph 61 are supported.

#### **Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?**

Yes, the proposed changes remove current uncertainties around alternative methodologies and when such approaches might be appropriate. Universal application of a standard method for assessing need provides consistency and clarity to all local authorities, developers and communities.

The Council notes that local authorities would be able to justify a lower housing requirement than the figure the method sets on the basis of local constraints on land and delivery, such as existing National Park and National Landscape, protected habitats and flood risk areas, but would (as now) have to evidence and justify their approach through local plan consultation and examination. The Council proposes that an amended standard method formula should include a deduction for the number of vacant and second homes, and also homes that are in a holiday use in a local authority area, since these have potential to be brought back into full time residential use to meet current and future local housing need and should reduce the requirement for additional homes to be provided through the planning process more cost effectively and with a smaller climate impact. The NPPF and Use Classes Order should be amended to introduce a distinction between 'primary' and 'secondary' residence functions and require planning permission for a change of use from primary to secondary use.

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

Yes, it is agreed that the current paragraph 62 provides a poor basis for directing housing growth to larger urban areas. The Council would welcome clarity on the Government's proposals to strengthen the existing Duty to Cooperate and

mechanism for cross-boundary strategic planning at the earliest possible opportunity to help facilitate timely plan-making and reduce uncertainty in the process going forward.

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

Yes.

**Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?**

Yes. Greater clarity on how this can be achieved is welcomed. However, the NPPF should make clear that achieving higher density should not be at the expense of public open space and private amenity space for new dwellings.

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

The changes to paragraph 11 are supported and it is recognised that there is a need for a policy mechanism to facilitate development where policies for the supply of land become out of date. The Council concurs with the concerns raised that some developers have used the presumption to promote low quality, unsustainable development and welcomes the additional clarity provided in the revised NPPF to make clear that it cannot offer a route to creating poor quality places. However, paragraph 11 should go further and make clear that planning permission will also not be granted where the development would not provide infrastructure that is necessary to support it or meet other policy requirements, including affordable housing.

The NPPF should go further in its explanation of sustainable development to identify what matters can be relevant to understanding the sustainability of a development and which would be material to the determinations of planning applications e.g. impact on climate (energy efficiency and design), availability of water supply and impact on water quality, and local economic and social impacts.

With the expected increase in house building, it becomes even more vital that new homes are Net Zero ready, or Net Zero in energy performance. An earlier change in the building regulations towards the Future Homes Standard could be considered to ensure higher energy performance standards.

Weight might also be given to the need to promote sustainable food systems, for food security and resilience, and for food-growing spaces such as horticulture close to urban areas.

The NPPF should also make clear the need to weigh up the release of land for development with the loss of that land for biodiversity and loss of carbon storage.

**Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?**

No. Paragraph 76 should remain as it is currently worded to support the plan-led system. LPAs should not be required to continually demonstrate a 5 year supply where the local plan for its area is less than 5 years old. The robustness of the local plan's provision for 5-year supply will be tested through the examination process, and if delivery is not being achieved in the way that was expected then this will become evident through the Housing Delivery Test results and there are existing provisions for the preparation of action plans where delivery falls below targets. Local Plans are a very significant investment in time and money for their production (costs typically exceeding £800k (excluding staffing)) and they provide certainty to local communities about where development is planned and which areas are protected. The proposed changes to the NPPF could be a disincentive for preparing local plans and will undermine public trust in the planning process.

In the short term, it is recognised that 5-year land supply will need to continue to play a part in helping to significantly boost the supply of land for housing. However, it is unlikely on its own to achieve the desired results. Research demonstrates<sup>1</sup> that the accounting processes for a 5 year housing land supply in England normalises land speculation as the condition for housebuilding whilst instituting perverse incentives for landowner and developers to reduce the supply of new homes. Clearly, local planning authorities have little genuine influence over the pace at which any given

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<sup>1</sup> Bradley, Q (2020) The financialisation of housing land supply in England. Available from: The financialisation of housing land supply in England - Quintin Bradley, 2021 (sagepub.com)

development is built out, beyond a grant of planning permission and timely discharge of conditions. There are currently over 2000 new homes with planning permission in Mid Devon where construction has not yet started. Additional mechanisms to incentivise timely build out of development by developers will need to be considered and implemented by Government at the earliest possible opportunity, whilst at the same time, safeguarding a plan-led system. These measures should help avoid where developers choose to delay the implementation of consented sites, and where developers purposefully restrict the supply of new homes coming onto the market to keep house prices inflated and protect their profit margins.

Evidence demonstrates that the total quantum of homes built by private developers is unlikely to materially increase to achieve the Government’s housing delivery ambitions. The below graph demonstrates the output of private enterprise completions remaining largely fairly static since the 1950’s, averaging around 150,000 dwellings per annum. Irrespective of a significant land supply increase, the Government will need to implement reforms which seek to address barriers to local authority housebuilding and allow new Council house building, significant increases in housing association completions as well as maximising delivery from other sources including community led housing and custom and self-build.

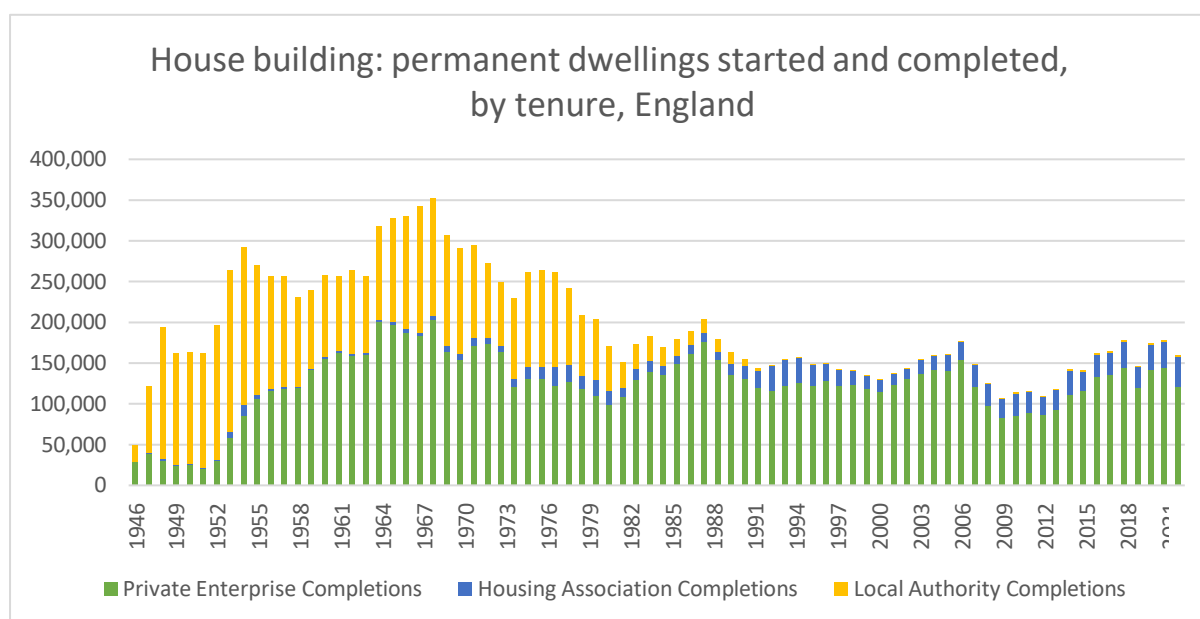


Figure 1: Housebuilding: Permanent dwellings started and completed, by tenure. Data source: MHCLG Table 244

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

No. Past delivery is taken into account in 5-year supply calculations and also in the Housing Delivery Test.

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

Yes, this will provide some headroom in the housing target. However, it will mean that sufficient additional sites will need to be identified to accommodate the buffer.

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

Yes, 5% is an appropriate buffer.

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

Yes, it has been seldom used.

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

Yes. However, if Spatial Development Strategies are required to be prepared across all areas this will place additional cost and resource burdens on LPAs and it is not clear how this work will be funded. The NPPF should also emphasize the need for strategic working by local authorities on Local Nature Recovery Strategies.

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

No. It is considered that the current tests of soundness remain appropriate, which already include a clear reference to meeting the area's objectively assessed needs, informed by agreements with other authorities, so that unmet needs from neighbouring areas may be accommodated.

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

Yes. Effective housing delivery should be a shared responsibility across the development industry and the NPPF should set out what is required of developers in terms of the commencement of new housing and publishing annual delivery trajectories for major housing schemes. The government should introduce measures to hold developers to account for the delivery of new homes through better and more transparent data and sharper tools to drive up delivery (e.g. taking into account the developers track record in delivery when considering whether to grant planning permission) and shortening the timescales for developers to implement a permission. Additionally, there will be a need to boost local authority capacity and capability to support housing delivery through plan making and decision taking on planning applications.

**Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?**

No. The problem with the proposed approach is that housing stock is not an accurate indicator of housing need. The proposed approach means that the more housing there is in a local authority area, then the more homes are needed. This fails to take into account; migration; where homes are vacant or are under occupied; where occupants will not generate future housing need; or where there will be household dissolutions.

**Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?**

Yes. This accords with the findings of the Competition and Markets Authority, and provides a more stable methodology and avoids too frequent changes, which increase uncertainty at the local level.

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

No. The proposed increase in the multiplier will result in uplifting the standard method housing requirement but will not help secure the delivery of more affordable homes. It is not currently clear how the Government has reached the affordability multiplier of 0.6, other than this being the adjustment required to reach the Government's stated housing delivery ambitions. The multiplier should be fully and robustly justified to ensure it reflects underlying local needs and affordability and should be independent of Government policy aspirations.

**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?**

Yes, as rental prices can be higher than house prices, and affect a significant proportion of people who are not home owners.

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

Yes. The results of the revised standard method show a significant uplift in the minimum number of homes the Council will need to plan for Mid Devon, increasing from 346 per annum to 571 per annum. This is a 65% increase, which will require substantial investment in new infrastructure which is unfunded. Part of the district is within the Blackdown Hills National Landscape, and parts are also affected by flood risk. There are also significant transport infrastructure constraints (road and rail),

capacity challenges with water and electricity supply, and current unfunded strategic improvements that are necessary to unlock the ability to plan major growth at key locations in the district. This includes a new railway station at Cullompton, funding additional rail services on the Tarka line and a strategic intervention at Junction 28 on the M5 that is necessary to support the proposed Culm Garden Village and circa 5000 new homes. There is a need for government intervention to facilitate the delivery of strategic infrastructure to support proposed major scale development and new communities e.g. garden villages. The proposed method will uplift the overall housing requirement for the district and increase the likelihood of needing to identify sites with greater infrastructure and other delivery challenges through the preparation of a new local plan. Funding for infrastructure needs to be identified sufficiently early in the development process, with greater certainty and confidence of delivery in a timely manner.

The text to the NPPF still includes reference to Areas of Outstanding Natural Beauty in paragraph 182, 183, 217 a) and in Annex 2 Glossary 'Designated rural areas'. These should be corrected to 'national landscapes'.

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

Yes. The proposed wording is supported. However, the consultation does not explain what is meant by a brownfield passport i.e. will this become another form of permission in principle and which could lead to poorly designed and unacceptable development.

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

Yes. However, the NPPF should retain consideration of meeting an identified local housing need as justification for allowing development in the greenbelt.

**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 definition of PDL should not be expanded as for land to be 'developed' it will need to fall within the definition of development in the Town and Country Planning Act 1990. Horticulture is included within the definition of agriculture, which is not development. However, the NPPF should signal that LPAs should weigh up the merits of the development and re-use of land that has been despoiled (e.g. reuse of existing agricultural buildings). The NPPF should make clear that the reuse of existing agricultural buildings should not lead to the subsequent need to erect new buildings for agriculture, which can be of a larger scale, in inappropriate locations, and can impact on the landscape.

Glasshouses represent valuable horticultural infrastructure. The release of these horticultural sites would benefit landowners but could destroy the horticultural industry



and undermine local decision-making. Careful consideration should be given before replacing these sites with housing for several reasons:

1. Irreplaceability of Land: Once developed, it is unlikely that land will ever return to horticultural use. Sites for glasshouses were traditionally chosen for their advantageous climate, light, and soil quality, characteristics that are still relevant despite changing economic circumstances for horticulture.

2. Resilience of Domestic Supply: Climate change and global politics threaten our reliance on imports from countries like Spain, Morocco, and Israel. Water scarcity and extreme weather could disrupt production elsewhere, highlighting the need for the UK to bolster its domestic supply. Glasshouses in the UK's temperate climate are essential for extending the growing season and enhancing food security.

3. Embodied Energy and Resource Stewardship: Glasshouses contain significant embodied energy in materials like glass and aluminium. While existing technologies may seem outdated, refurbishing and reusing these structures may be more cost-effective and environmentally responsible than building anew, especially as we face increasing resource scarcity. A "hierarchy of need" should guide decisions about the future of glasshouse sites, factoring in their state of repair, soil quality, climate, light levels, and proximity to markets. The last fifty years of cheap energy have lessened the importance of these considerations due to easy transport, but rising energy costs and climate change will likely shift the economics back in favour of domestic production. Preserving and restoring glasshouse sites wherever possible is essential for a resilient and sustainable food system.

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

No. This should also include reference to land that has been despoiled, but exclude land affected by minerals operations and which is subject to a requirement for restoration back to its former countryside. The NPPF could make clear where newly erected agricultural buildings should be demolished / removed once they become redundant to restore landscape character.

We would also be concerned about assigning 'grey belt' definition to land used for horticulture. As mentioned above, peri-urban farms, community gardens, allotments etc, some of which have been in use for decades, are a key part of peoples provisioning themselves with fruit and vegetables and serve needs for health, connection with nature and being part of a community.

These benefits have a financial value on top of the value of food that is produced. A study of allotments in Brighton and Hove demonstrated that soil on allotments stores 578 tonnes more carbon than grassland, supports 54 times more bees than other council land, reduces food packaging and waste and reduces health costs of the city council by preventing loneliness and improving mental health. The new definition for grey belt land should include wording to protect existing peri-urban farms, community gardens and allotments and provision should be made to ensure that more land is



made available for urban and peri-urban food production within easy walking or cycling distance of built up areas.

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

Yes, include provision for a baseline date for determining the status of land, to avoid deliberate despoiling of greenbelt land as a pre-cursor to seeking its development. We would support clarity in the NPPF that land deliberately left vacant to deteriorate or is despoiled would not be released for development.

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

No comment.

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

No comment.

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

No comment.

**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?**

No comment.

**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?**

No comment.

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

No comment.

**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?**

No comment.

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

Yes, but where traveller's sites are permitted in such locations they should be restored to their former countryside once the use as a travellers site has ceased and there is no need for their continued use as traveller's sites.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

The NPPF should provide for the Government to also set benchmark land values

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elsewhere in England outside greenbelts to inform viability considerations in relation to proposals for new housing and other uses.

**Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?**

No comment.

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

No comment.

**Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?**

No comment.

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

No comment.

**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?**

No comment.

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

No comment.

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

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

No comment.

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

Yes. Social rent is a vital part of housing options to meet housing need in the community, for those households who cannot afford to purchase their own home or who cannot afford to rent at market values or at a discounted affordable value. This is particularly the case in rural districts with comparatively low wage economies. Local Housing Needs Assessments for Mid Devon already include assessment of need for social rented accommodation. Where developers leave land undeveloped, this should be made available to Councils for the delivery of social rent housing.

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

Yes. This will provide more flexibility to look at other housing tenure options through the preparation of local plans, and these tenure options should be guided by technical evidence including local housing needs assessments and other material considerations.

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

Yes. This will provide more flexibility to look at other housing tenure options through the preparation of local plans.

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

No.

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

Yes. The inclusion of this in national planning policy can help support policies in local plans that require a mix of tenures and types. Type, mix and tenure should reflect what is required locally based on evidence. The Council is aware of significant demand for bungalow development but the market is not currently delivering this type of accommodation.

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

This can be guided through the findings of Local Housing Need Assessments, and balanced through viability appraisal to make sure the percentage set does not make

a housing scheme undeliverable. The percentage of social rent / affordable housing will also need to be balanced with other considerations, such as the need for open space, education, transport and infrastructure necessary to make the development acceptable in planning terms.

**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?**

A flexible approach should be taken in terms of the size of a high percentage Social Rent / affordable housing schemes, to avoid constraining potential opportunities, subject to meeting other policies of a local plan.

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

Provide further funding to local authorities through replenishing the Community Housing Fund, to help local authorities support community led housing development. Whilst the Council has made funding available to local community groups to help bring forward schemes in their areas, the Community Housing Fund the Council holds will soon be fully committed. If further funding were to become available, this would allow local authorities to build upon previous successes and work with local communities to deliver greater numbers of high quality, affordable, community led homes. Further funding would assist in helping alternative models such as community led housing to become part of the mainstream solution to addressing the housing crisis. A more diverse housing market means providing more housing of varying types, designs and tenures and meaningfully addressing housing affordability. At the local level, greater uptake of community-led housing would result in new homes that can target specific local housing needs thereby helping to empower local communities. They can be constructed to high environmental standards, and support local economic growth through providing training and employment opportunities as well as supporting SME builders and local tradespeople.

The cost of rents and mortgages is also a prominent brake on new entrants to small scale farming and food production, many of whom are unable to afford the high cost of rural housing. Many of these food growing enterprises (particularly agroecological enterprises) have environmental land practices at their heart. Formal inclusion of a One Planet Development Policy would allow for Low Impact Self Build homes to accommodate rural agricultural workers, many of whom would not meet, the minimum wage conditions considered essential by many LPA's. The minimum wage levels have been set to cover housing costs which, under self-build scenarios, would not apply in this case. Such policies have been successfully implemented in Wales and some English counties e.g. Dorset.

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

Yes. However, a clearer definition of 'looked after children' is needed (i.e. does this  
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also include young adults).

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

Yes, these changes can help support community-led housing.

**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?**

No comments.

**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?**

Insufficient numbers of small sites may be being allocated owing to infrastructure and viability challenges associated with delivery.

The small site policy could be strengthened by placing a requirement for large-scale sites to include provision for a proportion to be in the form of small-scale developments, to target delivery via SME builders, although with measures in place to avoid meeting policy requirements in full e.g. the provision of affordable housing.

**Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework?**

Yes. The term ‘beauty’ is subjective and open to interpretation, with potential to frustrate the determination of planning proposals. We welcome the retention of “well-designed” and would support the addition of “high quality”.

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

Yes. The Council welcomes the proposed amendments to ensure the same level of support for other forms of upward extension that the Government has for mansard roofs.

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

No.

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

Yes. This should also include reference to renewable energy infrastructure.

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

Farming (where this requires forms of development) and food production should be given more support through the NPPF as these are important to the food security of the nation, and are also important to supporting prosperous rural economies.

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

The potential impacts of such development on public health should be fully considered and also impacts on biodiversity should be fully assessed.

**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?**

No comments.

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

No.

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

Yes. But this should go further to identify other public service infrastructure, including infrastructure to support police, fire and rescue services, all forms of healthcare and social care infrastructure. This will help make sure the impacts of planned development on those services can be mitigated.

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

Yes, as this makes clear that supporting education needs goes beyond just 'schools' (11- 16 years).

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

Yes. However, it is recognised that a "vision led" approach can still require significant infrastructure improvement in order to ensure the vision can be delivered.

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



## **obesity?**

It could be more specific through requiring major residential and mixed-use development to include opportunities that support growing food locally. Currently the references to a good food environment are scattered through national policy, and it would be helpful to have these brought into one place in the NPPF to raise the prominence of this matter and to avoid its importance becoming diluted.

The NPPF could also set a minimum distance threshold for the location of hot food takeaways away from schools. The NPPF should also recognise the value of high quality environments to support health and wellbeing (e.g. formal and informal exercise) and opportunities for social interaction and community cohesion (e.g. youth clubs). The NPPF could further support healthy communities and reduce childhood obesity (as well as reduce traffic and air pollution) by including support for sustainable transport and active travel initiatives - such as making use of redundant railway lines for walking and cycling.

The NPPF should be more explicit in promoting public health and well-being through the planning process, including mental and physical disability.

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

The revised National Planning Policy Framework should clearly establish the principles of accessible neighbourhoods / compact cities / 15-minute neighbourhoods. This concept describes a place that is likely to be a healthy community. Assessment tools such as Scotland's "Place Standard" would help planners and developers understand how a neighbourhood works. It identifies the assets of a place, as well as areas where a place could improve. The Use Class Order was amended in 2020, introducing a new Class F - Local Community and Learning. National policy should draw attention to this opportunity to ensure convenience shops are provided within 1 kilometre of major new residential development and are protected through this classification (F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres). This would benefit both rural and suburban residents

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

Yes.

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

Yes. The NPPF should include specific reference to the support of community energy schemes.

**Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?**

Yes. It is unclear what compensatory measures would be for the loss of peat, since this resource cannot be replaced.

**Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?**

Yes. This will allow more onshore wind projects to be determined by local planning authorities and a potential quicker route for determining such schemes. The NPPF is currently lacking reference to the need for means to store surplus electricity generated to put back into the grid at peak demand e.g. battery storage, and it could include policy to enable local planning authorities to be more proactive in identifying suitable locations for this

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

Yes. This will allow more solar projects to be determined by the local planning authority and a potential quicker route for determining such schemes.

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

No comments.

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

Many local authorities have declared a climate emergency, recognising that urgent action is needed to address the impacts of climate change and to move towards a net zero carbon economy as soon as possible. However, climate / carbon considerations can lack the profile and attention needed in the development management process, where this may be overshadowed by other planning considerations. There is a need for national planning policy to take a lead on this through including a requirement for planning applications to be supported by information that is proportionate to the scale and kind of development proposed to demonstrate how proposals will mitigate their impacts on and adapt to climate change, and minimise emissions of carbon and other greenhouse gases. This will help achieve greater transparency how climate impacts are being considered through the planning process. It will be for local planning authorities to set out what type of information is expected to support planning applications. Mid Devon District Council has introduced a scheme for this through its local validation criteria for planning applications that are submitted for determination: [Non-Statutory Interim](#)

The NPPF should make clear that tackling climate change is a material consideration to the planning process, to which significant weight should be attached. It should establish a presumption against granting planning permission for high greenhouse gas developments. The NPPF should cross refer to Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 (as amended) which includes a requirement for development plan documents to include policies designed to ensure that development and land use contribute to the mitigation of, and adaption to, climate change.

The NPPF should make clear the prevention and avoidance of impact of development on climate change should come before mitigation e.g. through reducing carbon footprint and also through increasing biodiversity.

In addition to flooding, the NPPF should address other consequences of climate change arising from extreme weather events, where a planning response may be necessary e.g. temperature increases and voracious wind.

**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?**

There should be a national net zero carbon toolkit and net zero housing assessment tool, that can applied by all local planning authorities, supported by suitably ambitious building regulations. These should address design considerations such as orientation of buildings as well as whole life cycle carbon impacts associated with development. This would put in place a consistent approach and avoid duplication and unnecessary costs incurred by local planning authorities seeking to develop their own approaches.

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

The policy should be sufficiently flexible to facilitate the delivery of innovative flood mitigations in the design of new building. For example, the Council's Zedpods development at Shapland Place, Tiverton. The NPPF could also incentivise green roofs and use of SUDs to increase infiltration in all new housing developments.

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

The NPPF should make clear the scope of how local planning authorities can set local energy efficiency standards in local plans that go beyond the building regulations. Currently this is set out in the December 2023 ministerial statement, but may be subject to an appeal against the High Court's rejection of a claim over the unlawfulness of the ministerial statement. National guidance on reconciling climate standards, viability implications and historic buildings would also be welcome.

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

Yes. The correct approach should be that the availability of agricultural land should not be considered since it is unclear how 'availability' would be measured and tested.

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

The NPPF should require major residential and mixed use development to facilitate opportunities that support growing food locally (e.g. including allotments, community orchards and forms of incidental planting within open spaces that generate fruit, nuts and other edible produce).

**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?**

No comments.

**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 NPPF should place greater emphasis on forms of water capture and storage for new development to reduce demand on fresh water supply and more efficiently utilise existing infrastructure. It should also make clear the need for the planning process to take into consideration the management of waste water and sewerage capacity, and also the effective management and protection of water quality in rivers and the sea. The NPPF paragraph 180 i) should include reference to supporting the Catchment Based Approach from source to sea.

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

The NPPF should set out where proportionate technical studies will be required for the provision of potable water supply, wastewater disposal, and maintaining and improving water quality in rivers, watercourses and the sea in relation to the planned levels of development through local plans.

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

Yes, these allow the consideration of exceptional circumstances that may affect the ability of a local authority to do what is required to get their plan in place, or keep it up to date.

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

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No.

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

Yes, and we would suggest this principle needs to be expanded to incorporate cost recovery of the planning service as a whole, including related enforcement activity, which is a key priority for communities.

**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.**

**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?**

The Council does not know the exact amount proposed – but suggests that fees should be set locally on a full-cost recovery (and non-profit) basis. This would require LPAs to publish their fee regime, perhaps triennially, alongside planning service costs to show no profit being realised.

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

**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.**

Councils should be provided with the ability to charge for services provided in relation to: repeated applications; where additional advice is sought from/by the applicant; and to recover costs associated with enforcement.

**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.**

Consideration should be given to introducing a fee for standalone Listed Building Consent Applications (i.e. excluding those needing planning permission as well). The Council estimates that given most LBCs require an internal inspection of the property. It is also often the case that Conservation Officers need to consider highways, drainage, housing, disability grants, building control, archaeology etc

which means liaison with other departments therefore adding time and complexity which is comparable with planning officer considerations. In order to aid cost recovery, it is considered a fee of approximately £150 would be reasonable. If an LBC application is submitted jointly with planning permission, then the fee could be waived.

Local authorities should be provided with the ability to impose charges for breaches of planning condition and where development has taken place without planning permission to cover costs incurred through investigation and actions taken (e.g. where legal advice is sought).

Increased or additional fees should be applied to planning applications that are made retrospectively, to encourage applications seek planning permission before work is undertaken.

**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.

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

Full Localisation.

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

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

Planning fees should only be set at a level to cover planning services (including enforcement). They should not be used to subsidise other areas of council activity, but by the same token general council tax revenues should not have to support development/planning activity.

**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?**

A fee could potentially be applied to land promotion activity i.e. where land is submitted to local authorities for consideration as part of the Housing and Economic Land Availability Assessment, which is used to help evidence the preparation of local plans, and which requires significant work by the local authority.

**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?**

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Planning fees for planning proposals for new dwellings should include monitoring of development, which is used to inform housing land supply calculations and decisions made on planning applications, and also enforcement. It is also important to ensure that fees cover the costs of other services such as building control.

More broader support for other services, including plan making, design, ecology, landscape and heritage, would be desirable, and local planning authorities should be able take these into consideration but avoiding significant additional increases in planning fees that would deter development coming forward.

**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?**

No comment.

**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.**

No comment.

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

No comment.

**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.**

No comment.

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

No comment.

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

No. The consultation proposals state that 'if the revised LHN figure is more than 200 dwellings per annum higher than the annual housing requirement set out in the



adopted version of the plan, the local planning authority will be required to begin preparation of a plan under the new system as soon as possible. This is at odds with the draft NPPF text which states ‘the emerging annual housing requirement in a local plan that reaches or has reached reg19 on or before the publication date + one month is no more than 200 dwellings below the published relevant LHN figure’. The consideration of whether a revised LHN figure is more than 200 dwellings higher than a plan requirement should be in relation to the new plan being prepared that is under examination (i.e. not the current adopted local plan).

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

No. The Government’s proposal to extend the deadline for submitting plans through the current system by 18 months (i.e. to December 2026) is welcomed. However, there is no transitional provision for those plans in preparation that are unable to be submitted by December 2026, to move to the new system. This could result in abortive work, or the need to re-do elements of plan-making (e.g. re-consult on regulation 18 stage issues, draft policies and site options and related sustainability appraisal) which have time and resource implications for local authorities and could frustrate local communities. Additionally it could also result in need to re-do elements of technical evidence, at significant cost to local authorities. There is a need for clarity from Government about the carry-over of work from the current system to the new system of plan making.

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

Yes, there is a need to see what the national development management policies include as soon as possible to avoid potential repetition in local plans and abortive work. There is also a need to understand in more detail what is expected for digital plans and welcome guidance should the Government seek a standardised format, structure and content for local plans.

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

No comment.