

Submitted to Proposed reforms to the National Planning Policy Framework and other changes to the planning system  
Submitted on 2024-09-24 20:05:16

## Scope of consultation

### Respondent details

a What is your name?

Name:

[REDACTED]

b What is your email address?

Email:

[REDACTED]

c What is your organisation?

Organisation:

Havant Borough Council

d What type of organisation are you representing?

Local authority

If you answered "other", please provide further details:

### Chapter 1 – Introduction

### Chapter 2 – Policy objectives

### Chapter 3 – Planning for the homes we need

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

Yes

Please explain your answer:

Havant Borough Council supports this change as a component part of the wider overall package of changes. It is critical that as a nation, we build the homes that we need, with a particular focus on brownfield development and the provision of affordable homes, notably in the social rent tenure.

However Havant Borough Council would want to stress the importance of ensuring that infrastructure is provided alongside new housing. The fundamentals of the planning system are around high quality, sustainable place making rather than housing numbers at all costs. In order to deliver high quality places, it is critical that Government also acknowledges the significant infrastructure requirements required to unlock strategic scale development sites in particular. This will vary according to the development scale and location of course. However there is a proven track history that in order to get development sites of a strategic scale moving quickly to construction, pump priming the infrastructure requirements through Government funding is a clear necessity.

The Council overall also welcomes any changes to the NPPF which increase its clarity. This ensures that local plans can be prepared on a firm footing, reducing the need for time and cost to be incurred changing them through the preparation and examination.

Nonetheless, it is critical that the establishment of need is only the first step in establishing a local plan, rather than the final arbiter. The critical measure of a local plan's soundness is whether the area has the capacity to deliver development and so need should only establish that housing is required rather than being a target. Equally though, need should not be a ceiling and where there is the ability to do so, particularly where neighbouring or nearby local authorities have unmet need, local plans should go beyond the standard method. Nonetheless, for some authorities, it must be acknowledged that not only will capacity not meet need, but this will be by a very considerable margin under the new standard method. Havant Borough Council has always striven to meet the need for housing and to boost housing supply. Nonetheless, in preparing a new Local Plan, it was already clear that that as a small, constrained, already built up area, Havant would not be able to meet the existing housing need, let alone the new standard method figure.

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

Please explain your answer:

Yes. As above, the Council welcomes changes which increase the clarity of the NPPF. Investigating if there is an alternative method of calculating housing need is expensive and time consuming.

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

Yes

Please explain your answer:

Yes. Whilst it did not impact on Havant, the urban uplift did not represent housing need. The establishment of housing need should be based purely on demographics.

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

Yes

Please explain your answer:

Yes. Havant Borough Council strongly supports making the most efficient use of land. The previous inclusion of this paragraph added ambiguity as to whether increasing density is appropriate on an area basis.

The Council strongly supports making the most efficient use of land as a fundamental principal of the planning system.

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

Please explain your answer:

Yes. Design codes are complex, resource intensive planning frameworks to put together. As such, they are more relevant to areas where significant change will be focussed to be clear about what would or would not be appropriate.

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

Yes

Please explain your answer:

Yes. Again, the Council is in favour of proposals that increase the clarity of the NPPF's requirements. Previous reforms regrettably introduced ambiguity and uncertainty.

Ensuring that all areas need to require the same level of housing supply relative to need avoids the need for discussion between local authorities and applicants.

The Council strongly supports ensuring that it is clear which elements of development plan policy apply in instances where the presumption is engaged. The Council also strongly supports the clarity that the presumption being engaged should not result in an automatic granting of planning permission and that development quality, environmental safeguards and infrastructure capacity remain relevant.

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

Yes

Please explain your answer:

Yes – similar to the above, the Council welcomes the clarity that this provides. Nonetheless, please see other comments that make clear the Council's position that when the presumption (tilted balance) is activated, this does not result in the automatic granting of planning permission.

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

Yes

Please explain your answer:

Yes – this adds clarity.

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

Please explain your answer:

Whilst recognising the ambition of the '5% rule' to increase choice and competition, the key is to ensure a five year supply of deliverable land. It is not in the Council's power to compel the submission of a planning application, nor to ensure that applicants address statutory consultee requirements in a timely manner.

As such, whilst a test of housing supply is necessary, it is Havant Borough Council's position that this should return to pre-NPPF requirements of simply 5% without additional buffers.

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)

Please explain your answer if you believe a different % buffer should be used:

See question 9. If a buffer is to be retained, 5% is appropriate.

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

Yes

Please explain your answer:

Yes – this has not been used within the industry.

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

Yes

Please explain your answer:

Yes – effective cooperation on strategic matters is key. The duty to cooperate is of course not a duty to agree. As such, the proposed amendments to this section of the NPPF put more of an onus on local authorities to make agreements, particularly in relation to the accommodation of unmet need.

For Havant Borough Council, this is the key element of the duty to cooperate which will be engaged, particularly given the proposed change to the standard method.

However this section of the proposals is light on the detail, particularly in areas not covered by an elected mayor, such as Havant. Effective sub-regional planning is critical in ensuring that cross-border issues, including the provision of infrastructure, are addressed in an efficient and effective way. The Council's experience is that the duty to cooperate in its current form is not an effective way of ensuring that unmet need for housing is accommodated.

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

Yes

Please explain your answer:

Yes, this is appropriate. Most local plans will include a development site or infrastructure project which will extend beyond the lifetime of the plan but the NPPF is currently silent on how this should be treated.

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

Please provide any other suggestions relating to the proposals in this chapter. :

Government's aim to ensure universal local plan coverage within the current Parliament is laudable and fully supported by Havant Borough Council. Nonetheless, in the face of challenging budgets, local authorities face difficult decisions as to whether local plan budgets are cut. As such, in order to have the maximum chance of achieving universal local plan coverage in a timely manner, as well as considering fee reform, Government should look at New Burdens Funding, ringfenced to support the production of local plans. Fee increases will not be a universal fix for local plan preparation given that in a lot of authorities, including Havant, significant applications for remaining greenfield areas have already been received and needing to be determined. As such, the ability to recoup costs through fees alone, particularly major applications, is limited.

Our local plan is in an active stage of development, not so advanced so as to be able to benefit from the transitional arrangements but at a critical stage in terms of evidence base and policy development. As such, understanding the detailed proposals, particularly for strategic planning, as swiftly as possible is critical for getting a plan in place swiftly.

## Chapter 4 – A new Standard Method for assessing housing needs

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

Yes

Please explain your answer:

It is important to strike the right balance between providing stability and a housing need figure that does not fluctuate year to year and also that it is up to date and robust. Using housing stock would achieve this, so far as is possible.

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

Please explain your answer:

Yes – this accommodates the overall affordability of housing in an area.

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

Yes

Please explain your answer:

Yes – it is important to give sufficient weighting to addressing affordability in tackling the housing crisis in this country.

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?

No

Please explain your answer:

It is critical that residents are able to afford to access rented homes at a cost which is proportionate to wages in the area – everyone deserves to have access to suitable accommodation at a reasonable cost.

In principle, the Council supports an approach which would also consider the rented sector. However universal data on this would be more difficult to acquire at a national level and add further complexity to the standard method. The affordability ratio by proxy also considers rent affordability in that rental levels respond to supply, demand and the cost of homes to own.

As such, whilst laudable, it is not considered possible or necessary to accommodate this within the standard method.

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

Please provide any additional comments on the proposed method for assessing housing needs.:

No.

## Chapter 5 – Brownfield, grey belt and the Green Belt

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

Yes

Please explain your answer:

Yes – it is critical to maximise the use of brownfield land to accommodate development, even when in the green belt. The Council fully supports any and all measures to promote and unlock brownfield development.

Havant Borough Council would also highlight the significant pressures that brownfield sites present, with the level and type of constraints typically far more challenging than on greenfield sites. This has led to a marked shift in the development industry to promoting greenfield sites over brownfield sites.

Particularly with resource pressures on local authority planning departments across the country, the Council proposes that Government make new burdens funding available in order to enable Councils to proactively work to drive brownfield sites forward. This would enable typically the most sustainable sites to come forward, providing the homes that are needed.

It should be noted that land in residential curtilages outside of settlement boundaries is considered as brownfield land under case law. The Council proposes that this should be clarified through the NPPF that residential gardens are considered greenfield development, regardless of where they are.

With the NPPF laudably boosting the delivery of brownfield development, this would also lead to unsustainable development in more isolated locations without this clarification.

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

Please explain your answer:

See answer to question 20.

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?

Please provide any further views:

The Council has no view on this question.

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

Not Answered

Please explain your answer:

The Council has no view on this question.

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

Not Answered

Please explain your answer:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this 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?

Not Answered

If not, what changes would you recommend?:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this question.

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

Yes

Please explain your answer:

The Council strongly supports boosting the supply of affordable housing, particularly social rent. As such, whilst Havant does not contain any greenfield land and the Council has generally been silent on these proposals, we strongly support this proposal.

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

The Government or local planning authorities should be able to set lower targets in low land value areas

Please explain your answer:

Local authorities should be able to set locally derived targets for affordable housing provision on Green Belt areas – going below or above 50% as viability allows.

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

Not Answered

Please explain your answer:

The Council has no view on this question.

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

Not Answered

Please explain your answer:

The Council has no view on this question.

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

Please explain your answer:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this 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?

Please explain your views on this approach:

The Council has no view on this 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?

Not Answered

Please explain your answer, including what support you consider local authorities would require to use late-stage viability reviews effectively:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this 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?

Not Answered

Please explain your answer:

The Council has no view on this question.

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

Not Answered

Please explain your answer:

The Council has no view on this question.

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

Not Answered

Please explain your answer:

The Council has no view on this question.

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

Not Answered

Please explain your answer:

The Council has no view on this question.

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

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

Please explain your answer:

The Council strongly supports the proposed approach and agrees that local planning authorities should explicitly consider the needs of those who require social rent tenured housing when setting policy and considering need.

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

Yes

Please explain your answer:

Yes – an arbitrary target does not assist local planning authorities in setting bespoke approaches for their area to best address the housing crisis.

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

Yes

Please explain your answer:

Yes – see answer to question 48

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

Yes

Please provide any further comments:

It should be made clear that delivering First Homes should be an exception, not the business as usual approach. The approach to affordable housing should be based on local circumstances but as a starting point focussed on the social rent sector with genuine intermediate products which enable those who cannot currently access homeownership to do so.

The Council's position is that First Homes will generally assist those who were already able to access homeownership to do so more easily without tackling the fundamental issues of the housing crisis.

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

Yes

Please explain your answer:

Yes – this is critical for good place making and strong social cohesion.

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

Please explain your answer:

In terms of enabling delivery of social rent focussed developments, grant funding towards such schemes for registered providers would be particularly effective.

In terms of NPPF requirements and ensuring high quality placemaking, the Council would recommend that developments comprised primarily of social rent products are best placed in areas of currently mixed tenure or more balanced towards private ownership. Ideally, social rent focussed developments would be avoided in areas which already have a high proportion of this tenure.

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?

Please explain your answer:

This would be best addressed through local plan policy as each area will be different and each Council best knows their area.

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



Please explain your answer:

The Council has no views on this question.

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

Yes

Please explain your answer:

Yes – the Council supports promoting social rent as the primary tenure of affordable housing.

56 Do you agree with these changes?

Yes

Please explain your answer:

Yes – community groups should be aided to develop sites for housing through a positive, enabling planning framework.

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?

Yes

If Yes, what changes would you recommend?:

The Council does not object in principle to widening the definition. However it is essential that affordable housing units are kept as affordable housing units in perpetuity.

The Council notes the trend that registered providers are less able to accommodate Section 106 provided affordable housing units than has been the case in the past. As such, widening the definition to enable other providers to take on such sites would be welcome.

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?

Yes

Please explain your answer :

The Council is extremely supportive of SME builders and has taken active steps to ensure that they are able to continue and flourish in our local market, including ensuring that nutrient neutrality mitigation is specifically reserved for small sites and there is a simple and straightforward process for securing the mitigation.

Nonetheless, the Council has significant concerns that the continued, and potentially increased, 10% small site allocation target will not increase the supply of small sites onto the market.

The Council typically uses a threshold of 5 units in order to include a site as an allocation. Our development plan (and emerging Local Plan) also includes a policy explicitly supporting the development of any site inside the urban areas in principle, thus facilitating small sites.

Necessitating individual allocations on smaller sites will increase the amount of analysis needed as part of local plan preparation and its supporting evidence base. This will slow down the rollout of local plans across the country.

An alternative approach would be through the NPPF and national Development Management Policies, to support in principle development of small sites inside established urban areas.

In terms of the specific questions:

- a) No the potential exemption should not be removed. In many small local authority areas, it will not be possible to identify 10% of sites as small sites due to the availability, suitability or achievability of sites.
- b) Additional resourcing for LPAs to work with small site promoters and agents to bring forward land through the development management system would be beneficial
- c) No this would not change the commentary regarding a)
- d) This would be dependent on the requirements of such strategy and the provision of new burdens funding to aid their implementation

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

Please explain your answer:

The Council agrees that beauty and beautiful are subjective terms. These increase the ambiguity and uncertainty towards residents, the Council and the development industry. Ensuring that expectations of the planning system are clear is critical to ensuring public trust in the system.

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

Yes

Please explain your answer:

The Council supports in principle upward extensions of all kinds. These ensure that efficient use is made of the available land. As such, the changes are in line with other proposed changes and the Council's preferred approach to development in urban areas.

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

Not Answered

Please explain your answer:

No.

## Chapter 7 – Building infrastructure to grow the economy

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

Yes

Please explain your answer:

Yes – it is essential that the planning system enables the types of development cited in order to support a 21st century economy.

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

Yes

Please explain your answer:

The Council supports the proposed changes and there are no further changes in this area considered necessary. The flexibility within the signposting in these paragraphs is particularly welcome as not all types of development are needed in all areas.

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?

Not Answered

Please explain your answer:

The Council has no view on this 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?

Not Answered

If Yes, what would be an appropriate scale? :

The Council has no view on this question.

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

Not Answered

Please explain your answer:

The Council has no view on this question.

## Chapter 8 – Delivering community needs

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

Yes

Please explain your answer:

Yes – the weight of such essential infrastructure and public facilities should be clearly recognised and weighed as part of decision making in the same way as the need for housing or commercial floorspace.

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

Yes

Please explain your answer:

Yes – the education sector is wider than schools. Early years provision in particular is necessary to building a successful economy.

Nonetheless, the Council is conscious that early years provision is typically, though not always, provided by the private sector and so can need specific consideration in terms of how sites are made available through the development process.

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

Not Answered

Please explain your answer:

The Council strongly supports the changes proposed to paragraph 114. This brings the NPPF far more in line with the approach to transport planning now being implemented through the LTP4 process.

However the Council questions the inclusion of the wording to paragraph 115. This would appear to create ambiguity in the process in terms of establishing which scenarios should be tested and it is unclear what the intention of the change is. Clear and unambiguous guidance is needed to ensure that this is clear. Otherwise the proposed change should not go forward.

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

Please explain your answer:

The Council supports the importance of improved access to green space and other community offerings as a principal factor for positive community health.

The Council proposes that the NPPF be updated generally to fold public health and tackling obesity in particular into many other sections. Like climate change, addressing housing need and providing infrastructure, this should be one of the fundamentals of the planning system rather than having a compartmentalised section.

In relation to the specific proposals, modern approaches to takeaway ordering have increased the use of 'dark kitchens' and so restrictive policies on takeaways are far less effective than they were. However restricting their concentrations near schools is one remaining way.

Reform of the licensing system to enable licensing policies to include public health considerations would also significantly increase the ability for local authorities to ensure that the food and drink industry is able to support improved public health.

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

No

Please explain your answer:

## Chapter 9 – Supporting green energy and the environment

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

Yes

Please explain your answer:

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

Yes

Please explain your answer:

Yes – however there must also be an expectation that more urban authorities in particular are less likely to be able to support commercial level renewable energy projects given land constraints and competitions from other types of development, notably housing.

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

Please explain your answer:

It is logical that proposals for renewable energy on habitats with a role in carbon sequestration undertake a whole life carbon assessment as part of the application process.

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?

Not Answered

Please explain your answer:

The Council has no view on 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?

Not Answered

Please explain your answer:

The Council has no view on this question.

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

Please explain your answer:

The Council has no view on this question.

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

Please explain your answer:

Havant Borough Council considers that allowing local authorities to use a Low Energy Transformation Initiative (LETI) metric for measuring a buildings energy efficiency is what national planning policy should be supporting and delivering.

Unlike the Standard Assessment Procedure (SAP) and other measuring metrics LETI allows authorities to not only measures a buildings operational carbon but also its embodied carbon content which means authorities are able to assess the 'whole life carbon' outputs of any building including its post construction outputs. This is the only full and complete way of accurately establishing whether a building is 'net zero' and in addition to the above LETI has also been proven to further reduce running costs of the future home.

With National Policy ensuring authorities can only deliver SAP without significant viability and affordability reasoning this leaves authorities in a vulnerable position where they are not able to encourage, support and push for higher sustainability targets. National policy should be supporting authorities to push and exceed energy efficiency targets wherever possible to ensure homes being built today are net zero and do not have to be further adapted, at cost, in the future when it may be too late.

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?

Please explain your answer:

As the market is growing there are more tools that are becoming available for authorities to use however these come at significant cost and are not usually available without the successful award of grant funding which relies on a significant resource being available at the authority.

Therefore, the readiness and availability of tools could and should be improved to support local authorities having access to free, easy to use systems that allow authorities to report on progress when it comes to accurate carbon accounting.

Furthermore the opportunities for grant funding should be more widely and regularly available with support given to local authorities to achieve successful outcomes in order to support authorities having successful account and reporting programmes in place.

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

Yes

Please explain your answer:

The Council supports the NPPF taking a strong approach to development and flood risk, particularly given the impacts on climate change.

Recent changes and updates to the NPPF and PPG are welcomed. Nonetheless, as set out in the discussion document, there is further clarity that can be

added. In particular, it should be made clear that the flood risk sequential test is one aspect of the planning balance that should be considered. Failing the sequential test should not automatically lead to a refusal of planning permission (or if it should, that must be explicitly stated).

It must also be made clear the status of future flood zones (accounting for climate change) in relation to sequential test requirements. Furthermore, the Environment Agency should consider applications in the same way if at future risk of flooding as current day risk of flooding (currently if a site is in current day flood zone 1 but that risk increases in the future the EA do not review Flood Risk Assessments).

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

No

Please explain your answer:

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

Yes

Please explain your answer:

Yes – the text additions from December 2023 add ambiguity to this section of the NPPF, which was already relatively ambiguous.

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

Not Answered

Please explain your answer:

The Council considers that the current text regarding consideration of agricultural land is ambiguous and unclear in terms of the expected outcomes and whether specific evidence such as soil sampling is required to support decisions on allocations in local plans.

The principal objective of Government to provide the homes that the country need is welcome. However it is considered that Government must be up-front with residents that agricultural land will be needed to develop the homes that the country needs. Specific tests regarding the use of agricultural land which acknowledge that some will be lost to development and the proportionate level of evidence needed to support local plans would ensure efficient development of local plans.

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?

Yes

Please explain your answer:

The Council supports the proposed amendments to the NSIP regime to include greater certainty regarding water infrastructure. The Council also supports the strategic acknowledgement that potable water supply will need to increase in the coming years whilst improving water efficiency.

The Council would look to Government to ensure that robust safeguards are in place to require water companies to scrupulously investigate leak reduction, efficiency of existing infrastructure and other routes before looking to invest in new infrastructure.

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?

Not Answered

Please explain your answer:

Please see response to question 84.

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

No

Please explain your answer:

## Chapter 10 – Changes to local plan intervention criteria

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

Yes

Please explain your answer:

The proposed policy criteria would provide a clearer approach compared to simply relying solely on the legal tests.

Nonetheless, a clear set of guidance is needed in order to establish a clear and unambiguous framework. This should be backed up with consistent engagement between Government and local planning authorities on plan progress.

This would also be aided by updates to the Planning Inspectorate Advisory system. It is critical that any issues which would threaten the soundness of plans are identified between local planning authorities and the Planning Inspectorate at the earliest opportunity.

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

Not Answered

Please explain your answer:

Please see response to question 87 above.

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

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

Yes

Please explain your answer:

Yes. All planning application fees should cover the cost of determining those applications.

90 If you answered No to question 89, 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.

Not Answered

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

N/A

91 If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?

Yes

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

The cost of determining such applications will inevitably vary case by case. The proposed figure is considered broadly appropriate.

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.

Not Answered

Please explain your answer:

The Council has no view on this 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

Please explain your reasons and provide evidence on what you consider the correct fee should be:

Prior approvals do require officer time and resource to determine and can potentially represent gains of many new dwellings. A fee structure should be introduced to prior approvals, particularly those that create new dwellings.

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

No

Please explain your answer:

The Council is wary of a local fee setting structure. The Council is particularly mindful that there should not be competition between different areas for development or the ability for local authorities to dissuade development through prohibitively high charges.

Whilst imperfect, it is considered that a national structure is more beneficial. It is necessary for a national structure to be based on full cost recovery and increase each year in line with inflation.

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

Neither

Please give your reasons in the text box below:

Please see answer to question 94 – the Council would propose a national framework – so neither.

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

Yes

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? :

The fees paid by development should cover the cost of wider planning services. As the consultation document highlights, there are many functions which fees currently do not cover but which are critical to achieving development.

In our experience, particularly in a constrained area such as Havant, input from policy planners and environmental specialists is absolutely critical to getting development schemes permitted and built. It is often necessary to find innovative solutions, working with applicants and statutory consultees.

Furthermore, the process of preparing a local plan is extremely resource intensive. Whilst the impact on land value is not as much as the granting of planning permission, land values do increase upon the securing of an allocation. As such, it is logical that the cost of getting that allocation in place is recovered.

Whilst the Council has not undertaken a full financial analysis, increasing fees by 200% on major schemes would likely allow for a reasonable cost recovery. Cost increases to cover wider planning functions should be weighted towards major developments. Nonetheless, minor developments and even householder applications do benefit from an up-to-date local plan and need specialist input so it is logical that they should also contribute.

Nonetheless, this should remain as a nationally set fee framework.

97 What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

Please explain your answer:

Planning fees should cover:

- ☐ The development management function in full, including:
  - ☐ Validation of applications
  - ☐ Development Management staffing
  - ☐ Internal statutory consultees (eg ecology, environmental health)
  - ☐ Democratic staff to service committees
- ☐ Planning Policy teams associated with local plan production
- ☐ Necessary consultancy services to progress local plans
- ☐ Specialist services (whether in-house, shared between authorities or brought in), including:
  - ☐ Heritage
  - ☐ Ecology
  - ☐ Arboriculture
  - ☐ Environmental health
- ☐ Funding should also be provided to local transport authorities to cover their functions in relation to planning as this is a critical constraint to overcome

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

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.

Please explain your answer:

Yes. Our experience is that applicants are open to Planning Performance Agreements at the pre-application stage, but that this does not extend to statutory duties at the pre-app stage or to later stages. In reality, much of the resourcing pressure relates to the formal stages. Formalising cost recovery for all stages (pre-application, DCO application and post-permission) would simplify matters and would better reflect the resourcing reality for LPAs. It should also be noted that DCO staff resourcing can have on the determination of planning application, as the same finite staff resource is being used. The Council considers that it is difficult to pre-determine a fee structure for all potential NSIPs, as they can vary widely in nature, scale and scope. The best approach may be to introduce an approach similar to nationally set planning fees whereby Government sets a rate for Local Authority officer time nationally with local authorities also able to claim costs of externally procured consultancy.

Fees should cover all of the inputs which any host authority has to make for the entirety of the DCO process, from inception to final discharge of conditions.

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

Please explain your answer:

None – it is critical that local authority costs are suitably covered given the significant scale that some NSIPs have. This can result in a significant drain on resources.

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.

Please explain your answer :

We do not yet have experience of the formal parts of the DCO process as a host authority. However, a current pre-application PPA does not allow cost recovery for any statutory elements of the pre-application stage (eg EIA scoping consultation, SoCC consultation or formal S42 consultation on the scheme), or any time spent managing the DCO process as a Local Authority (eg dealing with resident enquiries; reporting to elected members etc). These matters alone can take significant officer resource, even before the formal DCO stages begin.

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

No

Please explain your answer.:

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

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

Yes

Please explain your answer:

The proposed arrangements are considered reasonable.

104 Do you agree with the proposed transitional arrangements?

Yes

Please explain your answer:

The proposed arrangements are considered reasonable.

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

Not Answered

Please explain your answer:

It is critical that the rollout of national development management policies is carefully considered. It is a logical approach for some areas of planning, but there are many areas where local distinctiveness is still needed.

In particular though, in terms of the national ambition to get plans in place quickly, it is essential that local planning authorities understand quickly the topics which will be covered by national development management policies and the content of those policies.

It would also be expected that there would be transitional arrangements put in place for plans at an advanced stage of preparation when national Development Management policies are published.

## Chapter 13 – Public Sector Equality Duty



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?

Please explain your answer:

The Council has no views on this question.

Chapter 14 – Table of questions

Chapter 15 – About this consultation