

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

Response from the Northern Housing Consortium

About us

The Northern Housing Consortium (NHC) is a membership organisation based in the North of England. We are the 'Voice of the North' working with local and combined authorities, housing associations and ALMOs to develop insight, influence and solutions to create better homes and places.

Introductory comments

Our country faces a profound housing crisis that manifests differently region-by-region across the country. The NHC champions the significant positive contribution good quality homes and places can have on healthy and thriving communities and is delighted to see that tackling the housing crisis is such a priority for the new Government.

Members of the NHC, including social landlords, local authorities, and Mayoral Combined Authorities, want to deliver more homes, contribute to solving the housing crisis, and create great places for communities. Our members are committed to the places they work in. They take a long-term stake in their communities and provide services for and want to ensure places thrive today and in the future. This requires a focus on delivering the right homes of the right tenures in the right places while balancing the need for energy efficient homes fit for the future, and high-quality design and standards. Taken individually, these factors require careful thinking and investment; taken together these factors make new development a financial balancing act.

Therefore, it is important that Government recognises the different context the north of England faces – varied land values and associated viability challenges; large amounts of brownfield land ripe for redevelopment and regeneration; housing need that spans the range of income levels; the role our changing cities play alongside their hinterlands and rural communities, to name a few.

Overall, the NHC welcomes such a comprehensive consultation on changes to the National Planning Policy Framework (NPPF) and recognises the breadth and depth of its focus.

Member considerations and concerns broadly fall into the following main categories:

Overall targets and updated methodology

Our members welcome the move away from the previous standardised methodology to produce targets. We are supportive of the delivery of many more homes across the North to meet need and support economic growth. However, the new methodology based on current stock produces very high targets in some local authorities that may not prove deliverable and may not be appropriate where the primary housing challenge is renewing and regenerating areas of poor quality housing. Members greatly welcome the focus on cross-border working, the importance being placed on strategic planning, and the potential role of Combined Authorities. But even with this, some of these targets will be difficult to deliver.

What is built is of as much importance as the overall number of homes. Therefore, we propose that the standardised methodology should take account of important factors related to need, such as waiting lists for social housing and the numbers of people in temporary accommodation, and that local authorities should be able to balance the need for affordable housing against large increases in volume. Alongside the focus on Social Rent, this will support local authorities to focus clearly on what is needed in their area whilst still planning for ambitious levels of housing growth.

Social Rent and other tenures

The Government's focus on Social Rent is very welcome. Within the planning system we propose that the definition of affordable housing is amended to split out Social Rent clearly as its own category, alongside a category for sub-market rent (including Affordable Rent), and affordable home ownership products (including Shared Ownership and discounted market sale). This will strengthen the focus in planning policy on delivering Social Rent.

We also welcome the proposals to remove a minimum level of affordable home ownership products, and the removal of First Homes. This risked skewing the provision of affordable housing products away from much-needed rental homes and across many areas of the North was less reflective of local challenges and markets.

The most direct lever the Government has to support new social housing is investment through the Affordable Homes Programme, and this will need to be expanded to deliver more Social Rent homes alongside planning reform.

Land market and benchmark land values

Land is the key and often most crucial input into building new homes. Finding the balance between certainty and flexibility is extremely important for any change. While we support efforts to maximise affordable housing we have some concern over the creation of unintended consequences in the land market:

- landowners may not feel the return for selling is high enough for them to come forward

- landowners thinking policy may well be reversed in future years will hold on and not bring land forward
- lack of flexibility in conditions and agreement, creating viability issues
- grey belt land, once it comes forward, can't be treated like a separate 'type of land' – its value needs to reflect the market, or owners might not come forward.

There are challenges around benchmark land values as well, particularly in parts of the North where values are lower. Setting a value for uplift is incredibly difficult given the variation in market conditions across the country. Indeed, even across a single region this would be extremely problematic. If the value is set too high, this will avoid the issue of landowners not coming forward with land but may run into viability issues. If the value is set too low, landowners may not come forward with land – the key input for steady and consistent development. While the 'certainty' may seem helpful, the lack of flexibility will then create issues.

Overall, we are concerned that if policy is too ambitious about what value can be captured from land then the land market will seize up and rather than bringing forwards sites with potential for high proportions of affordable housing, there will be very few sites unlocked, leading to less housing, and less affordable housing, overall.

Implementation timescales

If the implementation of policy change is fast, the uncertainty and concern regarding processes and impacts increases. This may reflect issues regarding existing sites/projects in the system, or behaviour change of individuals and organisations knowing changes are imminent, or internal business considerations and working with new guidance that decreases productivity. Changes that are implemented too quickly create the level of uncertainty required to slow development decisions.

Public investment and funding

While changes to the NPPF will hopefully create the conditions for more development (subject to consultation responses and reflections) the changes are extremely unlikely to have the scale of impact required to unlock the large range of housing across the range of sites without additional public investment.

For example, recent NHC research has shown there is capacity for up to 320,000 homes on brownfield sites identified in Brownfield Land Registers across the North. Even if this land is allocated for development in local plans, it will still need remediating, and we estimate this will require £4.2bn over a ten-year period to do so.

Meanwhile, as stated already, the most direct lever the Government has to build more affordable and social housing, especially at pace, is a renewed Affordable Homes Programme.

If the goal is to kick start development to build more homes, then there is no substitute for public investment. Without a commitment to public investment for the public good and the benefits places need, the impact of changes to NPPF will be curtailed or reduced.

While there are a variety of considerations, the North frequently faces profound regeneration challenges, high viability and demand constraints, and infrastructure requirements. Improving these places to ensure healthy and thriving communities will require public investment to unlock private investment for projects.

The NHC and its members look forward to working closely with the Government on delivering the homes and building great places to live that the North desperately needs. The needs in the North are varied but are regionally different to those in the South. We are balancing new development sites alongside the critical need for regeneration. This type of development mix requires a range of tools to unlock – some may come from changes set out within the NPPF consultation, some will need to come from greater public investment. We are committed to overcoming the housing challenge and support the Government to help us do so.

Chapter 3 – Planning for the homes we need

Advisory starting point and alternative approaches

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

YES, this would remove the uncertainty created by the December 2023 changes and ensure the NPPF provides clarity by allowing a consistent approach to be taken across Local Plans.

Our main concern is that the proposed methodology results in extremely high and possibly unrealistic targets for many areas. The higher numbers give greater need for strategic planning, especially where two tier authorities exist, and the need to strengthen the Duty to Cooperate requirement.

The Government's housing growth ambitions must be coordinated with investment in local planning capacity and with spatial planning on major infrastructure, such as transport services, utilities, environmental improvement and resilience, and strategic health, education and social infrastructure (such as hospitals, universities and schools).

We very much welcome the recognition for strategic issues in the proposals and we will work in support of elected Mayors in the North in overseeing the development and agreement of Spatial Development Strategies (SDSs) for their areas.

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, if the percentage uplift against existing housing stock is used, rather than household projections, the need for this reference is not as great.

The reference was relevant in relation to the current standard methodology, as household projections were a key element of it, and in some areas of the North there were issues with these projections meaning that they were not an appropriate assessment of future demand.

However, if alternative approaches are removed from the NPPF, recognition of the impact of local constraints on land and delivery should be strengthened. For example, the availability of transport connections has a big impact on deliverable, sustainable development land as do issues of flood risk.

Urban uplift

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

YES, we agree that spreading the uplift across a wider geographical area makes sense. Urban areas are well placed for housing growth, but we recognise some of the disadvantages raised in the consultation paper, including the fact that the uplift focused only within the boundaries of those towns, and was not an evidence-based figure. The formalisation of strategic planning is welcomed as it should enable a continuation and strengthening of partnership working for cross boundary and strategic planning matters.

Character and density

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

YES, we agree with greater density development in suitable locations where appropriate.

Our concern is that the proposal is more appropriate for urban areas than for rural areas. Increased densities should not come at the expense of reductions in green space, from mental and physical health, and environmental perspectives, or at the expense of space required for suitable infrastructure, including cycle tracks and footways.

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, this is supported as it focuses opportunities where most needed and would provide LPAs with more control over development in their areas.

Our concern is that our members point out design codes are challenging, costly and time consuming. Their preparation adds to resourcing needs in already stretched planning teams. The introduction of localised design codes, masterplans and guides will introduce additional pressures on already under resourced planning teams.

A national shortage of planning officers makes it very challenging to fully resource both planning policy and development management.

The North has been particularly affected by changes in spend for planning and development services over recent years, seeing a 65% reduction in spend, compared to a 50% reduction in spend in the rest of England (between 2010/11 and 2018/19)¹.

Strengthening and reforming the presumption in favour of sustainable development ('the presumption')

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

YES

The proposed amendments to paragraph 11 are supported with the clarification that the most important policies are those for the supply of land. We welcome the addition of explicit references to policies for the location and design of development and for securing affordable homes needing to be considered when the presumption is engaged.

It is important that any changes to the presumption test need to ensure that its engagement in decision making does not result in approving low-quality unsustainable development.

However, the proposed introduction of very demanding housing targets in the North could result in many LPAs no longer being able to demonstrate a 5-year housing land supply and under pressure to approve housing development on unallocated sites and where there is poor transport infrastructure.

Restoring the 5-Year Housing Land Supply (5YHLS)

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

YES

To achieve the required level of housing delivery it is going to be necessary for all authorities to maintain a 5-year housing land supply.

Evidencing this level of housing supply has been a requirement for a number of years now and is part of LPAs monitoring work. The concern is that where deliverable, sustainable land is limited, the increased housing requirement figures have the potential for many LPAs to no longer be able to demonstrate a 5-year housing land supply.

This is compounded by the reduction in planning and development services.

¹ Northern Housing Consortium Time to Level Up Housing and Planning Capacity 2020

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

YES

We support the requirement to annually update the five-year housing land supply position.

However, we have concerns about removing reference to the ability for areas to take into account past over-supply. This could penalise areas who have continued to deliver houses.

Restoring the 5% buffer

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, in order to provide flexibility and resilience in housing delivery.

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, as Annual Position Statements are not regularly used but ongoing monitoring and reporting of available deliverable housing land is still beneficial.

Maintaining effective co-operation and the move to strategic planning

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, effective cooperation on cross-boundary and strategic planning matters should be supported through the planning system. It is essential to promote closer working relationships to ensure that a coherent delivery strategy can be delivered not only for housing but also essential infrastructure.

The longer-term proposal for more comprehensive strategic planning is therefore welcomed, as a stronger means of developing cooperation and sound planning across larger areas.

While this further support for cross-boundary working is welcome our concerns are:

- it is not clear that the amendments strengthening the current Duty to Cooperate will actually help in relation to housing numbers and it remains extremely difficult for councils to agree to take higher housing numbers in order to meet the needs of neighbouring councils when they face the same constraints.
- the proposed additional wording to NPPF paragraph 28 - whilst on the one hand appears pragmatic, there is a concern about how policy making

authorities and Inspectors will be able to make 'informed decisions' when something is uncertain or unknown; and that parties at Local Plan Examinations in Public will argue that such uncertainties are or are not material to the Plan's soundness as might best suit their cases.

It is important that the Duty to Cooperate remains a legal requirement to apply to Local Plans progressed within the current system, which is essential for the delivery of strategic and local infrastructure, to meet housing needs, to move towards a cyclical economy and to improve climate resilience.

Our local authority members are also keen to see the role of Combined Authorities develop and grow in relation to ensuring an appropriate supply of strategic sites for housing where there is limited Green / Grey Belt.

Cross-boundary cooperation also could be strengthened further to include infrastructure providers, such as National Highways and Network Rail and require their commitment to the delivery of infrastructure.

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

YES

Although, the tests of soundness can be applied to any scale of plan.

Providing evidence of deliverability and viability on strategic scale proposals and associated infrastructure is the challenge for local planning authorities. The evidence has to be proportional to the planned approach and is crucial to deliver the scale of growth sought.

Strategic and joined-up thinking for housing, infrastructure and wider planning is crucial, and the NHC welcomes further detail on the universal coverage of strategic planning as promised in the Planning and Infrastructure Bill.

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

No comment

Chapter 4 – A new Standard Method for assessing housing needs

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

We support the reintroduction of mandatory housing targets for local authorities to ensure development at the scale required, but there are valid consequences created by this new standard method which must be considered.

We agree that the existing formula based on household projections has no connection with meeting future housing needs, or with affordability.

While the use of housing stock to inform the baseline for the new standard method has merit it is in some ways is too simplistic, being a 'blunt tool' which does not allow for the nuances of an area.

The proposed stock-based methodology also focuses purely on the 'housing market' and does not look holistically at what is best for people in a local area. It lacks consideration of local needs assessments and other elements to determine an area's need level, such as homelessness, overcrowding, waiting lists, or temporary accommodation.

This omission from the method of future-proofing for future housing needs could lead to a mismatch between the types of homes built and the actual housing needs of local areas.

Basing the method on a percentage of the existing stock, the scale and location of new housing will also not align with expected growth areas. Whilst we support the need to be ambitious, it is essential the figures are realistic and deliverable as they have major implications for infrastructure, services and for local authority budgets.

We support the Government's ambition for the target of 1.5 million homes and "the biggest increase in affordable housebuilding in a generation" however, based on evidence of completion rates, many local authorities will be faced with targets that are not deliverable, when using the proposed methodology. Local authorities who have delivered above their existing housing targets also have new targets that far exceeds this overachievement, and this should be factored into the formula.

This has implications for the ability for areas to sustain such elevated levels of growth and for under-delivery.

Local councils must be able to justify to local communities why additional housing is necessary and will require evidence of need, such as considerations for the ageing population and the need for housing that is fit for future needs.

Local authorities are aware of the wider issues and need to boost development and supply in their areas, but the proposed housing numbers are being introduced at a time when many are struggling with capacity, resources, and finances. Mandatory housing targets with high target numbers must be implemented alongside funding and resources to support local authority capacity to deliver them, or they will not be achieved.

We would suggest that further research and consultation is needed on an appropriate methodology to assess housing need and form housing targets.

Adjusting for affordability

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, although in the future it may be appropriate to extend to the most recent 5 years to ensure any unusual peaks or troughs in affordability are smoothed out, this

will give further stability to the new standard method. We also note this is not broad enough to cover all sectors of society such as older people receiving a pension - a growing proportion of the UK population.

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

NO

Affordability must be addressed through the delivery of a higher proportion of affordable homes and not necessarily increasing the total number built. The uplift factored in due to the affordability ratio will not translate to the same uplift in affordable housing delivery on the ground but simply a greater number of market homes.

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

It is important that rental affordability is given due consideration when calculating local housing need. The differential between average private sector rents and social sector rents has been used previously by Government to identify areas where rental affordability issues are most acute. The relationship between median incomes and median PRS rents could also be considered as it is for median income to house prices.

Result of the revised standard method

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

We agree with the Government's desire for substantially more affordable homes, and we share the objective to urgently address the housing crisis, but without specific action on development viability and subsidy for affordable housing, the uplift in housing numbers may not be deliverable.

Our members point out that there remains a very real risk that planning for the targets will not translate into the delivery of real homes. The scale of interventions required is increasingly beyond that which development sites can afford from a viability perspective. Without confidence that the necessary investment to deliver affordable homes and strategic interventions will come forward over a Plans' lifetime there is a genuine concern.

This proposed increase in the housing targets is substantial in the North. Using the proposed standard method for assessing housing need, the annual output of completed new homes in the North will have to more than double (111% increase) to match the Government's national target.

The figure for some northern LPAs is nearly twice the average annual completion rate.

There is likely to be no one-size fits all answer for a formula to achieve the Government's 1.5m homes over this Parliament that allows delivery on the ground. Many local authorities will have a deliverable number of homes but there will clearly be outliers where proposed targets do not reflect realistic delivery rates, and certainly not in the short term.

Chapter 5 – Brownfield, grey belt and the Green Belt

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

YES, we support a 'Brownfield First' policy and the addition to paragraph 124c.

Making it easier to develop Previously Developed Land

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

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?

No comment

Defining the grey belt

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

YES

We agree that the definition is partly clear and in the context of the NPPF as a whole is a useful categorisation to aid plan-makers.

From a decision-making point of view, the definition is less clear.

For example, the definition includes a description of land that makes '*a limited contribution to the five Green Belt purposes.*'

The wording 'limited contribution' is open to interpretation. There are areas of Green Belt land that are degraded, but they could perform very highly against the purposes of the Green Belt. In that respect, the term grey belt has the danger of being misunderstood or misused, as happens with the Green Belt.

We would welcome further consistency and guidance.

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

In order to ensure high performing Green Belt land is maintained, this could be reviewed through cross-boundary Spatial Development Strategies.

Regenerative or conservation management should be encouraged in Green Belt areas to promote better land management and ensure that it remains high performing. This could consider the role of the grey belt land in supporting the habitat, species, and ecosystem of the surrounding Green Belt. This could be informed by Local Nature Recovery Strategies which will identify existing and potential future areas important for nature/biodiversity.

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?

YES

Planning Practice Guidance could be used to expand it if necessary.

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?

As referenced in Q23, we believe the inclusion of the wording 'limited contribution' is too subjective for decision making and could leave legitimate planning decisions that deny developments on the green belt open to lengthy litigation and 'planning by appeal'.

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

The role of the Green Belt in wider nature recovery should be fully utilised. LNRSs should play an important role in ensuring those areas with scope to provide significantly enhanced habitats and increased biodiversity value are identified and improved for local nature recovery, and in many cases could look to strengthen the function of the Green Belt.

Land release through plan-making

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?

YES

The sequential approach is supported, and we support a Brownfield First approach. We agree that the release of land in the right place is critical to delivering sustainable development. Our concern is that the review of Green Belt to meet development needs should focus on identifying the most sustainable and appropriate sites for development, rather than necessarily land that has been identified as being of lower quality but may not be as well located.

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

YES

With the proviso of the need for clear methodology which ensures the ability of the Green Belt to operate as intended in that locality.

Allowing Development on the Green Belt through Decision Making

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?

YES, but it is essential that such development is sustainably located and that the use of PDL and 'grey belt' land does not result in isolated and unsustainable development.

Supporting release of Green Belt land for commercial and other development.

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

Planning Policy for Traveller Sites

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?

No comment

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

Golden rules to ensure public benefit

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

YES, we support the tenure split for affordable housing being for local authorities to decide.

More clarity is urgently required on the Government's proposals for changes to the S106 process to secure infrastructure and financial contributions. Although not perfect, the current process of S106 and CIL has helped fund important elements of infrastructure which are unlocking major regeneration.

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

While we support efforts to maximise affordable and social housing, and generate more value from landowners, having a target that will be challenged with viability consideration in the majority of cases is not efficient or realistic. Green Belt and grey belt sites may still have constraints such as land contamination or the need to mitigate against habitats impacts. The reality of markets in lower land value areas, including in much of the North, is that it is likely that starting with a 50% target will prevent sites coming forwards if it is rigidly applied, or if it is more flexible take longer for sites to come forwards as a percentage reduction is negotiated. Local authorities should be able to set a target that maximises affordable housing but reflects the local land market.

Delivering improved public access to green space

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

Green Belt land and Benchmark Land Values

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

Setting benchmark land values is extremely difficult. In theory it provides certainty for development and sets expectation levels for capturing value to be invested in the site. However, in practice the setting of benchmark land values is extremely problematic and can provide unintended consequences.

If the benchmark value is set too low, then the landowner may not be incentivised to come forward to sell the land. If the benchmark value is set too high, then these landowners will be incentivised to come forward, but affordable housing and other requirements may well be squeezed to make the site viable.

Beyond this, you also have the issue of large variation in land values across the country. If the benchmark value is set too high, then outside of high demand areas viability may become an issue. The problem here is that a nationally set benchmark value may well reduce the amount of affordable housing and other public provision. Broadly, northern places are concerned that the combination of lower demand (and lower house prices) alongside an arbitrarily set benchmark value will hamper viability on sites.

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

As land values, house prices, and housing need varies across the country, setting a level or value at a national level may have unintended consequences. A benchmark level that is set at a regional level may well have greater success but given variation in markets and wider considerations of value and asset values, this may well be difficult to implement.

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?

On sites where the benchmark land value does not affect the usual market or transaction conditions (i.e. the benchmark value is lower than the amount the land was transacted at) then reducing the potential for negotiation of conditions may help ensure that the golden rules are delivered and public good maintained. Again, however, given the variation in land values across the country (that reflect place, infrastructure, and demand) the combination of benchmark land value and golden rules may well mean development is not viable and/or a landowner will hold on to land and not bring it forward.

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

We agree that if a development is policy compliant, then by definition there would be no expectation to increase the level of affordable housing. However, the planning framework allows for sites to come forward with 100% affordable housing without being incompatible with all other policy requirements. Implementation of this proposal must not undermine that provision.

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

NO

This will reduce the chance of developments proceeding. Late-stage reviews could become the default outcome for developers/landowners. They will protract negotiations on a site-by-site basis and rarely generate a contribution. Significantly they will not deliver on-site affordable housing contributions and only serve to exacerbate house price differentials in rural areas.

It would be preferable to require the inclusion of clawback provisions at actual development stage to enable development to commence but for contributions to be made if the development generates a higher value than submitted with the viability assessment.

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?

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

Green Belt release should only be undertaken as part of a full review at plan making stage. Development approved in the Green Belt should remain as Green Belt until the plan is reviewed. The Golden Rules should apply to sites released at plan stage or other sites in designated Green Belt.

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

The benchmarking values will vary across regions and across the Green Belt. The proposal will require substantial amounts of work and could ‘bake-in’ hope value in the development management stages of the planning process.

If the benchmarking approach is pursued, this may need trialling with a selection of areas to ensure that there are no unintended consequences in this complex field.

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

The variation in land values across the country links to a wider issue that a one size fits all approach to compensation is unlikely to be appropriate. Whilst clarity about potential compensation is vital to helping develop schemes at the early stages, all sites are different – for example a North East brownfield regeneration site will be different to a South East greenfield site. A balance therefore needs to be struck between clear rules and guidance and site by site determination. In part this can be achieved through an approach to compulsory purchase that minimises its use through incentivising the participation of landowners in schemes over holding out for compensation. The landowner incentive to bring the land forward for development must be based on this premise or hope value will be ‘baked-in’ to the process by default.

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

No comment

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

Delivering affordable housing

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, the under-delivery of Social Rented homes has pushed individuals and families who would be better served through social housing into the private rented sector. We therefore agree that Government should attach more weight to Social Rent in planning policies and decisions and balance this against the ability of the development to deliver that level of social housing without funding support. We suggest that as Social Rent is in such high need, and including this tenure in developments is paramount, the NPPF glossary should include a separate category for Social Rent.

By allowing authorities to drive this at a local level it would be expected that their knowledge of and insight into the needs of the communities will be best used to achieve these wider outcomes.

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

YES

The mix of affordable housing should be balanced against the local affordable housing needs of the area as supported by the latest available evidence.

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

YES, the percentage requirement will reduce the amount of genuinely affordable tenures. First Homes also place a significant administration burden on local authorities which is not currently resourced.

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

It is important that housing sites deliver a mix of affordable housing based on need. Northern areas have a demonstrable need for affordable and social housing. We support the removal of 25% First Homes requirement. Our evidence shows that 18,815 new affordable homes are needed in the North each year. However, only an average of 10,491 are built each year, a sizeable annual shortfall of 44.2%. Within these figures, there is an annual need for 6,947 new homes for Social Rent, the most affordable tenure for tenants – with only 1,309 Social Rent homes built each year, an even larger shortfall of 81.2% (figures: annual average 2015/16 to 2021/22).

Across the North social housing provision is much needed and should take priority in Government policy.

Promoting mixed tenure development

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

YES

We support the recognition in national policy of the range of needs for a mix of tenure and types, including widening out the recognition of those needing social housing and the addition of consideration for looked after children. It is encouraging that the proposals recognise the need for planning reform to support the delivery of greater numbers of social housing and greater diversity in housing types, and reference to older people.

The need for mixed tenure already forms part of local planning policy determined by local needs and it is recognised that greater diversity of house type and tenure will result in increased absorption and build-out rates.

Given the impact of tenure type on the valuation of land, the planning framework should support certainty and confidence in the requirement for types of affordable housing.

Providing clarity local plans, making it clear what mix of affordable housing provision is needed will help reduce the need for negotiation and will be beneficial for both developers and local planning authorities.

We await further details on the Government's proposals for changes to the S106 process and its functioning on negotiation on financial viability.

Grant funding will be required to subsidise the mix of affordable units to be delivered and to achieve a tenure mix that is more suitable for local needs, for example by reducing the amount of shared ownership relative to the amount of Social Rented, or by funding more large family houses that otherwise would not be financially viable.

Supporting majority affordable housing developments

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

The NHC wishes to work with Government to seek ways to promote a high percentage of Social Rented housing.

Social Rent housing is the most likely tenure to meet local needs in many areas of the North, and so the emphasis on it is welcomed. But the cost of provision is higher, so a greater level of subsidy will be necessary if higher percentages are to be achieved.

But as outlined throughout this consultation response there are significant challenges to overcome in terms of land values and capturing more subsidy from landowners across the North.

If we are to meet the needs for new affordable and social housing across the North, the only realistic answer is a new Affordable Homes Programme that has the scale and flexibility to meet the North's affordable housing challenge. Making Social Rent

the largest tenure in the programme will better support tenants through cheaper rents, generate long-term savings to the benefits system, and unlock more delivery.

Restrictions on brownfield land funding are also locking out many sites from being able to provide the new homes. Our [Brownfield First](#) research shows that there is enough brownfield land in the North to build up to 320,000 new homes, making a significant contribution to tackling the nation's housing crisis but value-for-money rules are being misapplied and need to be reformed. Investing to bring this land forwards will generate more homes, and more affordable and social housing.

We welcome the changes proposed in this consultation to First Homes as this risked crowding out of the delivery of Social Rented housing. We support discounted housing as it supports home ownership, but it is important that these units are delivered at a modest scale and in and among developments of a wider mix of tenures.

Delivery of social housing is not purely about the quantum of new supply. We await proposals for reforms which are needed on Right to Buy rules, which restrict the amount of money local authorities can keep from sales to reinvest in new housing in their area. This has impacted on the overall levels of social housing stock in local communities.

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?

It may be beneficial for 100% affordable sites to have a mix of tenures, including low-cost home ownership options such as shared ownership, to ensure a balanced community. It is difficult to put a scale on it and it may vary according to local circumstances and the locality.

A limit on numbers for single tenure rented schemes could be considered, although there might be unintended consequences in setting a number in national policy, for example there have been large rented schemes for key workers. This would be better dealt with by Local Plan Policies.

Local lettings plans can be used on all-affordable scheme to support balanced communities.

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

Measures include local planning authorities having rural exception site policies, registered providers being willing to develop small rural sites, and Neighbourhood Plans being encouraged to identify affordable housing sites.

It is important that any type of housing development in a rural area should be supported by the provision of sustainable travel links to access employment, education, leisure, social destinations and generally meet the daily travel needs of residents so that they are not car dependent.

Meeting the needs of looked after children

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

YES, in addition provision needs to be made supporting the conversion of existing housing stock to meet the needs of specific groups within the community.

Delivering a diverse range of homes and high-quality places

Question 56: Do you agree with these changes?

YES, we agree with these changes that amend the definition of community-led housing and agree with the principle to strengthen provisions, particularly where they accord with the Neighbourhood Plan.

Question 57: Do you have views on whether the definition of ‘affordable housing for rent’ in the Framework glossary should be amended? If so, what changes would you recommend?

We propose a separate category for Social Rent. This would send a clear signal about the priority to deliver more, much needed Social Rent housing. Conversely the Government’s proposals to have a policy presumption in favour of Social Rent may not be achievable if it falls within the same definition as affordable rent.

Affordable Rent could then be combined in a category with other sub-market/ discounted rent products.

Affordable Home Ownership should be a third category, including the variety of products currently covered.

Making the small site allocation mandatory

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?

The current guidance is sufficiently clear. Our members continue to do what they can to identify small sites, but many small sites are windfalls and do not come through the plan making process and so cannot be allocated in plans for this reason.

Pursuing smaller sites through the plan making process can generate a disproportionate amount of work in identifying and assessing sites for the number of homes that they will deliver in the context of a local plan that needs to deliver thousands of homes.

Our understanding is that aside from access sites other factors such as access to affordable finance are also major issues for SME builders where support may be more effective.

Requiring “well designed” development

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

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

Retaining references to well-designed buildings and places is important, particularly given the increased emphasis placed on design in applying the presumption in favour of sustainable development. A definition of what constitutes a well-designed place would be welcomed.

Well-designed buildings and places may/are likely to cost more to deliver, so plans should be clear on the balance for affordable housing, infrastructure, or well-designed places and where priority lies because for many councils, delivering all three will not be possible.

The quality of a person's home/community is one of the key determinants of their future health, wellbeing and prospects.

Many of our members pointed out the importance of quality standards in new build. The intention for Social Rented development is for homes to achieve a minimum of EPC B. This will help to continue to improve the quality and energy efficiency of overall affordable housing stock in the Social Rented sector, which has double the number of energy efficient homes, compared with the PRS.

Councils are keen to aligning their affordable housing delivery with their targets for Carbon Neutrality, ensuring a range of high-quality housing choices, while continuing to ensure homes are truly affordable over the lifetime.

There is still a need to manage the upward pressure of build costs in ensuring tenants combined rents and energy bills remain affordable.

The affordable housing sector is leading the way in use of green technologies and welcomes a focus on delivery of sustainable homes and the future homes standard. There is a need to rapidly learn from exemplar sustainable housing schemes, to scale up and mainstream production and delivery to realise the long term environmental and cost benefits to developers and tenants of affordable homes.

Supporting upward extensions

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

YES

It is agreed that these should not be perceived to be limited just to mansard roofs.

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

New housing should be developed/designed to include or accommodate renewable energy generation as much as possible. New homes should include options for solar generation, decarbonised heating, enhanced insulation etc. The production of energy in the home (via solar) will also reduce household bills and make homes more affordable.

Chapter 7 – Building infrastructure to grow the economy

Building a modern economy

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

No comment

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

No comment

Directing data centres, gigafactories, and laboratories into the NSIP consenting regime process

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

No comment

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 comment

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

No comment

Chapter 8 – Delivering community needs

Public infrastructure

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

No comment

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

No comment

A 'vision-led' approach to transport planning

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

No comment

Promoting healthy communities

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

No comment

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

No comment

Chapter 9 – Supporting green energy and the environment

Supporting onshore wind

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

No comment

Supporting renewable deployment

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

No comment

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?

No comment

Setting the NSIP threshold for solar generating stations and onshore wind

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?

No comment

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?

No comment

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

No comment

Tackling climate change

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

No comment

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?

No comment

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

No comment

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

No comment

Availability of agricultural land for food production

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

No comment

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

No comment

Supporting water resilience

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 comment

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?

No comment

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

No comment

Chapter 10 – Changes to local plan intervention criteria

Revision of the local plan intervention policy criteria

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

YES, we would support the replacement of the existing intervention policy criteria with the revised criteria set out in the consultation.

We welcome the addition of the role of the Secretary of State in giving planning authorities an opportunity to put forward any exceptional circumstances in relation to intervention action on local development needs; sub regional, regional, and national development needs; or plan progress.

This is considered to provide a fair way forward if a risk of intervention arises.

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

Preference is for use of revised intervention policy criteria as the criteria provide a clear steer as to the factors that decisions on intervention should have regard to.

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

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

YES, without full cost recovery many of the objectives of the NPPF will never be met as councils cannot resource their planning departments effectively.

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.

We support full costs recovery.

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

Yes

No – it should be higher than £528

No – it should be lower than £528

no - there should be no fee increase

Don't know

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

The amount suggested in the draft consultation of £528 is considered to be an appropriate fee increase but the higher fee should just apply to extensions and larger projects rather than minor works such as outbuildings, fences and gates that fall outside permitted development. Councils should have powers to increase this fee

further if they can demonstrate that the cost of dealing with these applications is higher.

Proposed fee increase for other planning applications

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.

No comment

Fees for applications where there is currently no charge

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.

No comment

Localisation of planning application fees

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

YES

This would ensure that the full cost of dealing with planning applications is borne by applicants, and that local planning authorities have the necessary resources to provide the level of service required by applicants. Local authorities have to make difficult budget decisions, and this would ensure planning fees are sufficient to fund the service and meet developer and applicant expectations.

There would be some administrative work in establishing a local charging schedule. However, fee income does not meet the costs of running a development management service and hasn't done for a number of years. As such, it would be beneficial to be able to set own fees to recover costs.

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

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

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

Neither

Don't Know

Please give your reasons in the text box below.

Increasing fees to fund wider planning services

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

YES

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

There are many areas of expertise which the planning department relies on to make informed planning decisions. This has been highlighted by the growing importance of Biodiversity Net Gain, Sustainability as well as ever complex issues in longstanding areas of consultation such as Highways and Design.

The financial situation of many Councils means that this expertise is being cut and Local Planning Authorities have to pay for expensive consultants.

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?

Planning Fees should be able to fund wider planning functions.

Cost recovery for local authorities related to NSIP

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

YES

These involve significant input from the local planning authority and a fee should be required which is reflective of the work involved.

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.

Cost recovery should also include the costs of procuring consultants, particularly where the local planning authority does not have the required capacity or resource.

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.

Full cost recovery will ensure local planning authorities have the resources to deliver the speed and type of service required by applicants and developers. The planning application fee is a relatively small part of the overall costs involved in development projects, yet under-resourced local planning authorities are a major cause of delays in obtaining planning permission. Adequate funding in itself will not resolve the general shortage of qualified / experienced planning professionals but will help authorities develop strategies to recruit and retain staff with the right skills and abilities.

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

To reduce delays on new developments, and ensure the planning system can be administered effectively and efficiently, and facilitate community involvement the NHC is calling for the setting up of a 'Planning Super Squad' in every MCA to provide expertise, guidance, and capacity directly to local authorities on areas where complex, technical skills are required but are in limited supply.

Chapter 12 – The future of planning policy and plan making

Transitional arrangements for emerging plans in preparation

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

We agree with the need for transitional arrangements, but they should apply for a longer period after the publication of the NPPF rather than the proposed one month. Local Authorities do not know the publication date of the revised NPPF and then only have 'one month' to ensure that that they are at an appropriate stage if they wished to progress under the existing version of the NPPF.

Some of our members have commented that it is unclear what the '200 dwellings per annum' figure is based on as part of the transitional arrangements, particularly when the revisions to the NPPF have removed other 'arbitrary caps', including the urban uplift.

It is agreed that there is a need for transitional arrangement to provide a period in which plans at the latter stages of production are not derailed, and that plans at an early stage do not undertake abortive work. Local Authorities may negatively rush through plans and evidence work, only to find that there are delays and/or changes to the NPPF as set out in this consultation.

We would propose an implementation period to six months from the publication of the final NPPF and/or allow the Secretary of State the discretion to allow individual LPAs to proceed under the transitional arrangements.

The transition is going to be extremely demanding for those councils whose housing targets are being very substantially increased, as the time necessary for engaging with local communities and assessing all the consultation responses will be significant.

The indication of direct financial support is welcomed, although it is unclear what exactly direct funding support would consist of, even so, with the national shortage of planners, this may not resolve the problem. This would not address the underlying lack of capacity in the sector and potentially add to a greater need for consultancy support.

As drafted the proposed revisions are not especially easy to follow and understand; they would benefit from the addition of a flow chart. Such a chart should also capture the current Levelling Up and Regeneration Act Local Plan preparations, presuming that the Government has no intention of repealing that part of the Act.

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

The transition is going to be extremely demanding for those councils whose housing targets are being very substantially increased, as the time necessary for engaging with local communities and assessing all the consultation responses will be significant. The indication of direct financial support is welcomed but with the national shortage of planners, this may not resolve the problem.

Future changes to the NPPF

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

No comment

Public Sector Equality Duty

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

No comment