



# PLANNING POLICY AND LOCAL PLAN COMMITTEE

AGENDA

<b>DATE:</b>	<b>Monday, 16 September 2024</b>
<b>TIME:</b>	<b>6.00 pm</b>
<b>VENUE:</b>	<b>Town Hall, Station Road, Clacton-on-Sea, CO15 1SE (Committee Room)</b>

**MEMBERSHIP:**

**Councillor Guglielmi (Chairman)**  
**Councillor Bush (Vice-Chairman)**  
**Councillor Bray**  
**Councillor Chapman BEM**  
**Councillor M Cossens**

**Councillor Fairley**  
**Councillor Fowler**  
**Councillor Newton**  
**Councillor Scott**

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DATE OF PUBLICATION: Wednesday, 4 September 2024

## AGENDA

### **1 Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **2 Minutes of the Last Meeting (Pages 5 - 12)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday 23 July 2024.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **5 Public Speaking (Pages 13 - 16)**

The Council's Public Speaking Scheme for the Planning Policy and Local Plan Committee gives the opportunity for members of the public and other interested parties/stakeholders to speak to the Committee on any specific report to be considered at that public meeting.

### **6 Report of the Director (Planning) - A.1 - Local Plan Review: Implications of the Government's Proposed Changes to the National Planning Policy Framework and Introduction of Mandatory Housebuilding Targets (Pages 17 - 32)**

To report to the Planning Policy and Local Plan Committee the main implications of the new Government's proposed changes to the National Planning Policy Framework (NPPF), including the introduction of mandatory housebuilding targets, on the current review of the Tendring District Local Plan; and to agree with the Committee the postponement of public consultation on Issues & Options pending the outcome of the Government's current NPPF consultation.

### **7 Report of the Director (Planning) - A.2 - Government Consultation: Proposed Reforms to the National Planning Policy Framework, and other Changes to the Planning System - Tendring District Council's Response (Pages 33 - 138)**

To invite discussion and seek agreement from the Planning Policy and Local Plan Committee to Tendring District Council's formal response to the Government's consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Policy and Local Plan Committee is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 6.00 pm on Tuesday, 10 December 2024.*

## **Information for Visitors**

### **FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE,  
HELD ON TUESDAY, 23RD JULY, 2024 AT 6.00 PM  
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

<b>Present:</b>	Councillors Guglielmi (Chairman), Bush (Vice-Chairman), Bray, Chapman BEM, M Cossens, Fairley, Fowler, Newton and Scott
<b>Also Present:</b>	Councillor Baker (Portfolio Holder for Housing & Planning)
<b>In Attendance:</b>	Gary Guiver (Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Ian Ford (Committee Services Manager), Paul Woods (Planning Policy Team Leader), Will Fuller (Senior Planning Policy Officer), Eleanor Storey (Planning Policy Officer) and Keith Durran (Committee Services Officer)

**47. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions submitted on this occasion.

**48. MINUTES OF THE LAST MEETING**

It was moved by Councillor Scott, seconded by Councillor Bush and:-

**RESOLVED** that the Minutes of the last meeting of the Committee, held on Tuesday 28 May 2024, be approved as a correct record and be signed by the Chairman.

**49. DECLARATIONS OF INTEREST**

In respect of Item 6 on the Agenda (Report of the Director (Planning), report A.1 – TDC Response to National Grid Statutory Consultation on Norwich to Tilbury Electricity Powerline Connection Project (Third Non-Statutory Consultation), Councillor Fairley declared a Disclosable Pecuniary Interest and a Non-Registerable Interest as follows:-

*“The land area to be impacted by the proposed cable routes, pylons and substations within the District of Tendring is vast, but my family do own and farm land along these routes and this is the same for wider family members and friends. I've been granted a dispensation under section 33(2)(c) of the Localism Act 2011, allowing me to participate and to vote.*

*“The reason for the Monitoring Officer’s granting of the dispensation was on the grounds that it is in the interests of persons living in the authority’s area for the dispensation to be granted. I am the sole ward Councillor for the area and the Council is not the decision maker regarding the proposals, although it has an opportunity to voice its residents’ and businesses’ concerns, and act in the best interests of the District.”*

**50. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

No questions on notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

**51. PUBLIC SPEAKING**

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question.

Parish Councillor Carolyn Mason made statements, on behalf of Ardleigh Parish Council, regarding the matters contained in the reports of the Director (Planning), namely A.1 and A.3.

In respect of report A.1, Parish Councillor Mason stated that Ardleigh Parish Council welcomed Tendring District Council's response and endorses its content and objections to the National Grid. The Parish Council would be submitting its own response and she hoped that councillors and officers would find the time to read it. A draft copy had been published on the Parish Council's website for local residents to refer to. Considerable time had been spent on the submission not only by the clerk to the Parish Council but also the councillors, members of the community and businesses and local groups and the Parish Council had also engaged its own barrister to advise on the content, particularly mitigation and the Parish Council especially welcomed the recognition that Tendring District Council had given to the considerable harm that would be caused. Not only would the parish have the EACN, but also underground cabling from Lamb Corner to the EACN and the returning 2150 meter high pylons that would circle around the village and out to the A12. The Parish Council requested Tendring District Council to amend its proposed consultation response to make clear that the substation is in fact in Ardleigh and not Lawford. The Parish Council highlighted the local impacts for communities and the extensive, cumulative impacts from the Norwich to Tilbury and the two offshore wind farms projects which could overwhelm communities like Ardleigh. There would be harm to the environment, farming and health. The Parish Council had concluded, through consultation with local businesses likely to be affected, that there would be significant loss of business and therefore loss of employment and that should National Grid proceed, every consideration should be given to compensating the local economy. The District of Tendring would experience a disproportionate level of intensive negative impacts and thus the Council should expect a stronger focus on mitigation measures by National Grid. Therefore, the Parish Council would like Tendring District Council to recognize the mitigations that it had listed in its documents and take that into account when negotiating with National Grid sometime in the future.

In respect of report A.3, Parish Councillor Mason stated that Ardleigh Parish Council greatly thanked Tendring District Council for all the support that it had given the Parish Council in producing its neighbourhood plan and were happy to confirm that it had got a date of 12th September 2024 for the local referendum on the Neighbourhood Plan.

The Planning Policy Officer (Eleanor Storey) responded by complimenting Ardleigh Parish Council on its excellent consultation response and undertook to alter Tendring District Council's response to make it clear that the EACN was in the parish of Ardleigh. She also undertook to look at the Parish Council's proposed mitigations in any conversations with National Grid going forward.

**52. REPORT OF THE DIRECTOR (PLANNING) - A.1 - TDC RESPONSE TO NATIONAL GRID STATUTORY CONSULTATION ON NORWICH TO TILBURY ELECTRICITY POWERLINE CONNECTION PROJECT**

Earlier on in the meeting, as recorded under Minute 49 above, Councillor Fairley had declared a DPI and a Non-Registerable Interest in this matter but that also she had been granted a dispensation by the Monitoring Officer.

The Committee considered a report of the Director (Planning) (A.1), which invited discussion and sought its agreement to Tendring District Council's formal response to the statutory consultation being carried out by National Grid on its proposed Norwich to Tilbury electricity powerline connection project.

Members recalled that the project was designed to reinforce the high voltage power network in East Anglia between existing substations. It was classed as a 'Nationally Significant Infrastructure Project (NSIP) for which planning approval would be sought from the Government through a 'Development Consent Order' (DCO) - with Tendring District Council being one of many consultees in the process and not the decision maker. The proposals however had very specific implications for the District of Tendring, and it was recommended that this Council, working closely with Essex County Council, continued to maintain strong objections.

The Committee was reminded that, as part of the global response to tackling climate change, the UK Government had a legislative commitment to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050. Switching from high polluting fossil fuels to renewable energies had a significant role to play in mitigation of and adaption to the climate emergency.

It was reported that, in response to this, National Grid was seeking to upgrade the existing electricity transmission infrastructure between Norwich and Tilbury. This involved installing new overhead pylons and a new substation within the District of Tendring – located between Ardleigh and Little Bromley. This location was intended to provide the main connection point for major off-shore windfarm developments proposed in the North Sea, with their associated on-shore infrastructure expected to make landfall in and pass through the District of Tendring. The proposed substation East Anglian Connection Node (EACN) would receive underground cabling from the north (having travelled under the Dedham Vale National Landscape, previously known as an Area of Outstanding Natural Beauty), the cables would exit via overhead pylons westbound through Ardleigh.

Members were informed that this was National Grid's third and (expected to be) last stage of public and stakeholder consultation for the Norwich to Tilbury proposals before it finalised its plans for submission to the Secretary of State. Due to the nature and size of the proposal, this project, qualified as a 'Nationally Significant Infrastructure Project' (NSIP) for which there was a dedicated planning process, the 'Development Consent Order' (DCO) which was administered at national Government level by the Planning Inspectorate (PINS). Tendring District Council was not the determining body for proposals of this nature; the Council's role, like all other Local Planning Authorities affected by the proposals, was that of a consultee with a right to make representations for or against the proposals.

The Committee was aware that, to date, all Councils affected by this project, across Norfolk, Suffolk and Essex, had objected to what was proposed, firmly advocating that the upgrading of this infrastructure would be better achieved with an offshore rather than an onshore solution. This would prevent the considerable negative impacts on the physical environment (both ecologically and visually) and on the communities who were

directly affected by those onshore proposals. At all previous opportunities to engage in non-statutory consultation on the Norwich to Tilbury proposals, this Council had submitted strong objections. Most of the local concerns still remained, and it was therefore recommended by the Director (Planning) that the Council continued to maintain and reinforce its objections.

Members were reminded that, whilst this was a standalone proposal, it was linked with the two other NSIPs being brought forward by the Five Estuaries and North Falls offshore wind farms. The proposed EACN in Tendring was the connection point for both wind farms to transfer their offshore energy into the National Grid. There was a study currently taking place by the Offshore Coordination Support Scheme looking at the feasibility of both wind farms taking an offshore approach and making landfall at Tilbury. Additionally, the Tarchon interconnector, which would provide a direct power link between Germany and the UK, could also connect with the EACN - although no formal proposals or plans had come forward at this stage.

It was reported that work had been carried out with Essex County Council in preparing TDC's consultation response, which outlined extensive concerns held by both councils. In this Council's position as a consultee, the decision to grant or refuse consent for this proposal was not made by the Council. Therefore, in addition to setting out its objections, the response also considered what measures the Council would expect to see to mitigate the impact on the communities of Tendring. This District could experience a disproportionate level of the negative impacts, and the Council therefore expected a stronger focus on mitigation in the District of Tendring including significant and tangible benefits. The transition to renewable energy should be fair, inclusive, and create positive opportunities for all.

This Council's objections throughout the consultation had included but were not limited to:

- *an appropriate offshore solution needed to be fully considered – this had not yet been achieved;*
- *the project was premature in terms of need, working to the required timeframe (2035) not the identified timeframe (2030) would enable alternative routes (offshore and undergrounding) to be considered;*
- *the current environmental analysis by National Grid was insufficient, with ecological, heritage and landscape impacts not being fully scoped and information lacking; and*
- *the unacceptable negative impacts on the environment, highways and the communities closest to the proposals.*

At the invitation of the Chairman, the Portfolio Holder for Housing and Planning (Councillor Baker) commented on the subject matter of this item.

Having duly taken all of the above information into account and having discussed the matter:-

It was moved by Councillor Bray, seconded by Councillor Fairley and unanimously:-

**RESOLVED** that the Planning Policy and Local Plan Committee –

- a) notes the content of this report;



- b) supports the contents of the draft response to the Norwich to Tilbury Statutory Consultation, as attached at Appendix 1 to the Director (Planning)'s report (A.1), subject to references to the location of the proposed EACN being amended to Ardleigh instead of Lawford and the inclusion of a sentence that guides National Grid to the extensive mitigation measures that have been put forward by Ardleigh Parish Council in its consultation response;
- c) agrees that, with the approval of the Portfolio Holder for Housing and Planning, the response with the above agreed changes be submitted to National Grid before the close of the Statutory Consultation on 26th July 2024; and
- d) agrees that the approved response, as submitted to National Grid, be reported to Full Council to allow further discussion, if necessary and for the outcome of that discussion to be fed back to National Grid.

**53. REPORT OF THE DIRECTOR (PLANNING) - A.2 - UPDATED HOUSING SUPPLY POSITION AND LOCAL PLAN REVIEW BASELINE**

The Committee considered a report of the Director (Planning) (A.2), which reported:-

- (a) the findings of the most recently updated Strategic Housing Land Availability Assessment (SHLAA) including:
  - (i) the number of new homes built in Tendring during the 2023/24 financial year and the up-dated year-by-year 'trajectory' for future housebuilding; and
  - (ii) the current housing land supply position (the 'five-year' supply).
- (b) the baseline housing position for the Local Plan Review.

**Housing Supply Position**

Housing Requirement

The Committee recalled that Section 1 of the adopted Local Plan set out the 'objectively assessed housing need' (OAN) for Tendring of 550 homes a year, and the housing requirement for the period of the Local Plan 2013-2033 was therefore 11,000 homes. With approximately 6,700 homes already built between 2013 and 2024, the remaining requirement between now and 2033 stood at approximately 4,300 and the historic shortfall in housing delivery had now been addressed. It would be necessary to revisit the housing requirement for the District as part of the Local Plan review to assess the longer-term needs for the rolled-forward plan-period, with any new requirement taking effect from the anticipated adoption of the updated Local Plan (2026).

Housing Completions and Future Trajectory

It was reported that, in the period 1 April 2023 to 31 March 2024, a total of 838 (net) new homes had been completed in the District of Tendring. This meant that the

housebuilding target of 550 homes a year had now been achieved for an eighth year in succession.

Officers had updated the Council's SHLAA, which contained a trajectory for future housing building up to 2033. Information from developers as well as Officers' own monitoring of building sites had informed the forecast for the coming years.

#### Five Year Housing Supply and Decision Making

Members were reminded that when the National Planning Policy Framework had been updated in December 2023, the requirement for Local Planning Authorities to demonstrate an ongoing 'five-year supply' of deliverable housing sites had been removed in certain circumstances – specifically for those authorities whose Local Plan had been adopted less than five years ago and who could identify at least a five year supply of specific, deliverable sites at the time its examination had concluded. Nevertheless, the SHLAA included a calculation of the Council's five-year housing land supply, which demonstrated that the District of Tendring is well placed to meet future housing needs.

The Committee was informed that, taking into account the future trajectory set out in the SHLAA, the Council could demonstrate a 6.26 years' supply of deliverable housing sites. Around 3,600 homes were expected to be built within the five years 2024/25 – 2028/29, against a five-year requirement of approximately 2,900 homes. This meant that, so long as the Local Plan was kept up to date, the Council remained in a strong position to resist speculative and unwanted housing developments that fell outside of the settlement development boundaries of the Local Plan, unless there were material benefits that might exceptionally justify a departure from Local Plan policy, or the proposals satisfied other policies within the Local Plan (e.g. rural exception sites for affordable housing).

#### Local Plan Review Housing Requirement

Members were aware that when the adopted Local Plan had been prepared, the Council had been required to calculate an objectively assessed housing need (OAN). This OAN had been the subject of significant scrutiny as part of the Local Plan examination, and a number of objectors had argued for a higher figure than the Council had proposed. However, because of uncertainties around the Census demographic data and un-attributable population change, the Council, with the support of demographic consultants, had been able to demonstrate to the Inspector that 550 dwellings per annum was a sound housing requirement for the District of Tendring.

It was reported that, since the submission and examination of the current Local Plan, the way in which Local Planning Authorities were required to calculate their housing need had changed. At the time of writing, national policy stated that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in the national

planning guidance. The outcome of the standard method was an advisory starting-point for establishing a housing requirement for the area. Based on consideration of this topic to date, it was possible that the Council would not be able to justify a departure from the Standard Method when reviewing the longer-term housing need as part of the Local Plan review.

The Committee was advised that, based on a Standard Method calculation, the annual housing requirement for the updated Local Plan (from 2026 – 2041) would be expected to increase to around 770 dwellings per annum. Officers were keeping this matter under review, and were taking advice from demographic consultants to ensure the Local Plan review was based on the correct housing requirement for the District.

After analysing the number of new homes currently planned for (through adopted Local Plan allocations, large sites with Planning Permission, and a projection of small site and windfall development), it was believed that the Local Plan review might need to allocate sites for between 3,000 - 4,000 additional homes.

The Director (Planning) pointed out that it was unclear to what extent national planning policy might change over the coming months under the new Government, and what impact this would have on the District's housing requirement. The Council would need to proceed with the review of the Local Plan in accordance with current policy and Officers would keep the situation and any implications for Tendring's Local Plan under review.

### Small Sites

Members were reminded that the NPPF required Local Plans to identify enough small sites (of less than 1ha) to deliver at least 10% of their Local Housing Need. If the Council was required to meet a Local Housing Need calculated using the Standard Method as part of the Local Plan review, an initial analysis suggested that 9.5% of the total amount of housing needed up to 2041 could already be met on small sites in the District that were either allocated in the adopted Local Plan, benefited from planning permission, or formed part of the windfall projection set out in the SHLAA. This position would need to be monitored, but it might become necessary to allocate land for around 100 dwellings to be delivered on small sites, as part of whichever spatial strategy the Council decided upon following the Issues and Options consultation later this year.

At the invitation of the Chairman, the Portfolio Holder for Housing and Planning (Councillor Baker) commented on the subject matter of this item.

Having duly taken all of the above information into account and having discussed the matter:-

It was moved by Councillor Fairley, seconded by Councillor Bray and unanimously:-

**RESOLVED** that the Planning Policy and Local Plan Committee –

- (a) endorses the content of this report, and
- (b) notes that the new Strategic Housing Land Availability Assessment demonstrates an up-to-date housing land supply position and an April 2024 baseline housing position for the purposes of reviewing the Local Plan.

**54. REPORT OF THE DIRECTOR (PLANNING) - A.3 - UPDATED LOCAL DEVELOPMENT SCHEME 2024-2027**

The Committee considered a report of the Director (Planning) (A.3) which sought its agreement to publish an updated 'Local Development Scheme' (LDS), updating the proposed timetable for reviewing the Local Plan in light of a delay caused by the Parliamentary General Election.

Members recalled that the purpose of the LDS was to set out an indicative timetable for preparing key Planning documents. It was particularly useful for members of the public, partner organisations and third parties to understand the broad programme of work and how the Council proposed to resource and manage it.

The Committee was reminded that the LDS covered the review of the Local Plan, the preparation and adoption of Tendring Colchester Borders Garden Community (TCBGC) Development Plan Document (DPD), and the production of other key planning documents. It included the anticipated timetable of consultation periods, examinations and expected dates of adoption.

It was reported that an update to the LDS had been brought before this Committee in February of this year. This updated LDS was presented to Members in order to ensure it reflected the delay in updating the Local Plan caused by the Parliamentary General Election.

Having duly taken all of the above information into account and having discussed the matter:-

It was moved by Councillor Scott, seconded by Councillor Chapman BEM and unanimously:-

**RESOLVED** that the Planning Policy and Local Plan Committee approves the updated Local Development Scheme (LDS) 2024-2027 (attached as Appendix 1 to the Report of the Director (Planning) (A.3) for publication on the Council's website.

The meeting was declared closed at 6.59 pm

**Chairman**

# *Tendring* **District Council**



## **PUBLIC SPEAKING SCHEME – PLANNING POLICY & LOCAL PLAN COMMITTEE**

**JANUARY 2016**

### **GENERAL**

The Public Speaking Scheme (“the Scheme”) is made pursuant to Council Procedure Rule 40 and gives the opportunity for a member of the public and other interested parties/stakeholders to speak to the Council’s elected members on the Planning Policy & Local Plan Committee on any of the Officer written reports to be considered at that public meeting.

The Scheme covers both questions and statements to the Committee. Any individual wishing to speak must contact Committee Services (see details below).

### **NOTICE OF QUESTION**

If an individual wishes to ask a question, at the Planning Policy & Local Plan Committee meeting, prior notification of that question must be received. The principle is to provide the Chairman (or an Officer, if the Chairman decides appropriate) the ability to fully answer questions, which have been received in advance.

**Notice of a question is received by delivering it in writing or by email to Committee Services on [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk), by midday on Wednesday 11 September 2024.**

At the meeting, you will be given an opportunity to read out your question to the Committee and an answer will be provided. Supplementary questions are not permitted and there is no debate by the Committee at this stage.

### **STATEMENTS**

Advance notification of the content of a statement is not required, but to assist the running of the agenda, notification of wishing to speak should be given prior to the meeting. Please contact Committee Services (email [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk) or telephone 01255 686584).

## **NUMBER AND TIMING OF QUESTIONS**

At any Planning Policy & Local Plan Committee meeting an individual is limited to asking one question **or** making a statement per report. On each report, no public speaker may speak for longer than three minutes.

Consistent with the Council Procedure Rules, the time allocated for receiving and disposing of questions shall be a maximum 45 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, and published with the minutes of the meeting.

## **SCOPE OF STATEMENTS OR QUESTIONS**

**Please be straightforward and concise and keep your comments to the content of the agenda item. Please be courteous and do not make personal remarks. You may wish to come to the meeting with a written statement of exactly what you wish to say or read out, having checked beforehand that it will not overrun the three minutes allowed.**

Any question or statement which is not directly related to an Officer report for that meeting of the Committee will be rejected. For questions, any rejection will be communicated in advance of the meeting by Officers, and for statements made at the meeting, this will be confirmed by the Chairman.

The Council also reserves its right to reject questions or statements if in its opinion the content is defamatory, frivolous or offensive or requires the disclosure of confidential or exempt information.

## **PLANNING POLICY & LOCAL PLAN COMMITTEE MEMBERS & POINTS OF CLARIFICATION**

No public speaker can be questioned by the Committee however, through the Chairman, relevant points of clarification arising out of the public speaking can be requested at the specific agenda item, before the debate commences. Points of clarification can be given by Officers, with the Chairman's permission.

## **WHO DO I CONTACT FOR MORE INFORMATION**

The Council's website will help you access documents (web: [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk))

If you have a query with regard to public speaking, or wish to register to speak, please email [democraticservices@tendringdc.gov.uk](mailto:democraticservices@tendringdc.gov.uk) or telephone 01255 686584.

If your query is in relation to the Local Plan, please contact:

Tendring District Council, Planning Services, Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE Tel: 01255 686177 email: [planning.policy@tendringdc.gov.uk](mailto:planning.policy@tendringdc.gov.uk)

**Monitoring Officer, Tendring District Council, in consultation with Head of Planning and Chairman of the Planning Policy & Local Plan Committee**

**(Council Procedure Rule 40)**

**(January 2016)**

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## PLANNING POLICY AND LOCAL PLAN COMMITTEE

16 SEPTEMBER 2024

### REPORT OF THE DIRECTOR OF PLANNING

#### **A.1 LOCAL PLAN REVIEW: IMPLICATIONS OF THE GOVERNMENT'S PROPOSED CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK AND INTRODUCTION OF MANDATORY HOUSEBUILDING TARGETS**

(Report prepared by Gary Guiver)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To report to the Planning Policy and Local Plan Committee the main implications of the new Government's proposed changes to the National Planning Policy Framework (NPPF), including the introduction of mandatory housebuilding targets, on the current review of the Tendring District Local Plan; and to agree with the Committee the postponement of public consultation on Issues & Options pending the outcome of the Government's current NPPF consultation.

##### **EXECUTIVE SUMMARY**

Up until now, the Council had been preparing to carry out the five-year review of its Local Plan following a work programme and a set of overarching guiding principles, vision, objectives and spatial strategy options that had been agreed by the Planning Policy and Local Plan Committee in its meetings from December 2023 through to July 2024 – with the intention of carrying out public consultation on an agreed Issues & Options document in September/October 2024.

However, the UK General Election on 4 July 2024 resulted in a change of government and on 30 July 2024 the new Deputy Prime Minister launched an eight-week consultation on reforms to the National Planning Policy Framework (NPPF) – the policies within which Councils are expected to follow both for the purposes of Local Plan preparation and planning decisions – and other changes to the planning system. The detail of the NPPF consultation and the Council's possible response are the subject of a separate report on the Committee's agenda.

The most significant of the Government's proposed changes is the introduction of mandatory (as opposed to advisory) housebuilding targets generated using a revised version of the 'standard method' for calculating local housing need. If the new Government pushes ahead with its proposed changes, Tendring's housebuilding target will increase from 550 homes a year from the current Local Plan to 1,043 homes a year from 2026. This will have significant implications for our district, the review of the Tendring Local Plan, and all the work that has been carried out by the Planning Policy and Local Plan Committee and your Officers to date.

The main implications are summarised as follows:

- **Housebuilding requirements:** An increase in the annual housing requirement from 550 to 1,043 homes a year is substantially above the increase to 770 that had been anticipated and reported previously. This increase would require the Council to plan for 7,000-8,000 additional homes up to 2041 over and above the 9,600 already in the pipeline (expected on sites allocated in the current Local Plan, sites already under construction, and sites with planning permission). This is double the amount of housing the Council had, up until now, been preparing to plan for through the Local Plan review.
- **Spatial strategy options:** The six spatial strategy options agreed by the Committee for the purposes of public consultation set out alternative ways of delivering 3,000-4,000 extra homes in Tendring up to 2041. With the requirement now potentially doubling to 7,000-8,000 homes, those spatial strategy options do not align with current government thinking and there is consequently no benefit in proceeding to public consultation with those options. Initial analysis by Officers suggests that the sheer scale of the proposed increase in housebuilding targets will limit the number of practical alternatives that are realistically capable of delivering the numbers entailed – with all sensible permutations affecting most communities in some way. It is highly likely that options going forward will entail significant growth in and around the Harwich area, potentially two or more new Garden Villages in strategically important locations and proportionate levels of additional housing for other existing towns and villages.
- **Vision and objectives:** The updated vision and objectives for the future of Tendring, agreed by the Committee for the purposes of public consultation, were based on an assumption that the general thrust of the approach taken in the current adopted Local Plan to 2033 would be broadly similar for an updated Local Plan covering the extended period to 2041 – save for focussed changes needed to reflect any change in the strategy for growth for the longer-term. The significant increase in housebuilding that may now be required under the Government's proposed changes will likely require a radically different approach to growth, so the vision and objectives for the Local Plan to 2041 will most likely need updating to reflect this.
- **Overarching guiding principles:** Most of the overarching guiding principles agreed by the Committee at the beginning of the Local Plan review process should be unaffected by the Government's proposed changes – including the intention to continue protecting Strategic Green Gaps and not expanding either Clacton or the Tendring Colchester Borders Garden Community beyond the significant levels of growth already planned through the current Local Plan. However, the principles relating to time frames and housebuilding targets will likely need revisiting once the Government has confirmed its approach following the close of the NPPF consultation.
- **Evidence base:** A number of the evidence-base studies required to inform the review of the Local Plan were, at the time of the Government's announcements on 30 July 2024, already commissioned and under way. These include a Strategic Housing Market Assessment (SHMA) and a Strategic Employment Land Study for which assumptions about the total

amount of housing planned are critical to the likely outputs. Officers are engaging with the relevant consultants of all studies under preparation to determine the implications of the Government's proposed changes and to pause, as necessary, any work pending the outcome of the government consultation.

- **Timetable and work programme:** Because the Council is only in the early stages of the Local Plan review, it will be expected to apply the Government's new requirements as and when they are confirmed – including any increased mandatory housebuilding targets. The overall Local Plan timetable and work programme already agreed by the Committee as part of the Local Development Scheme (LDS) will therefore need to be revisited and adjusted. Consultation on Issues & Options can only sensibly take place once any government changes to the NPPF have been finalised, the full implications have been taken on board and the documentation revised as necessary. Importantly, it is no longer considered likely that the Council will be in a position to fully adopt an updated Local Plan before January 2026 (five years from adoption of the current Section 1 Local Plan). However, it might be possible to reach the stage of submission to the Secretary of State by that time – enabling the Council to at least give some weight to the emerging Plan for the purposes of determining planning applications.
- **Five-year housing land supply:** The Government's proposed changes include the re-introduction of the requirement to identify, on an annual basis, a supply of deliverable housing sites sufficient to deliver five-years' worth of housing against the required target (incorporating a contingency buffer), or else run the risk of unplanned and unwanted speculative housing development proposals being granted, potentially on appeal, to address any shortfall. In recent years, the Council has been able to maintain and identify a supply in excess of six years against its current target of 550 homes a year – giving the District protection against speculative development. However, if the Government's proposed mandatory housebuilding targets are brought in, the Council will find itself in a position in January 2026 where, overnight, a comfortable five-year supply under the 550 homes target could become a significant shortfall against an increased target of 1,043 homes a year. The Council will therefore have to consider increasing the supply of smaller to medium sized developments that are capable of delivering homes to boost supply in the short-term, both through the Local Plan review and, potentially, through planning decisions on individual applications over the next couple of years.

With the above in mind, Officers seek the agreement of the Planning Policy and Local Plan Committee to postpone the consultation on Issues & Options that had been planned for September/October 2024, pending the final outcome of the Government's consultation on the proposed NPPF changes.

Members will need to be prepared that if the Government does push ahead with its proposals, particularly in relation to housebuilding targets, the content of any future Issues & Options document and subsequent drafts of the updated Local Plan will be considerably different to what had been discussed to date. This report identifies some of the challenges and risks, but also opportunities, presented by the changes proposed.

## RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- a) notes the contents of this report which highlights the main implications of the new Government's proposed changes to the National Planning Policy Framework (NPPF), including the introduction of mandatory housebuilding targets, on the review of the Tendring Local Plan;
- b) notes that the Council's response to the Government's eight-week consultation on changes to the NPPF is the subject of a separate report on the Committee's agenda;
- c) agrees to postpone any public consultation on Issues & Options pending the outcome of the Government's NPPF consultation, following which a consultation document including revised spatial strategy options may need to be presented to the Committee for its consideration and approval before public consultation is resumed; and
- d) notes that the Local Development Scheme (LDS) will also need to be revisited again in due course following the outcome of the NPPF consultation, in order to set out a revised programme of work for the Local Plan review going forward.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

Ensuring the District has an up-to-date Local Plan is a high priority for the Council and the review of the Local Plan is identified as a priority within the Corporate Plan (Our Vision) 2024-2028. It is also the goal of Government for local planning authorities to deliver sustainable development and coordinated provision of housing, jobs and infrastructure whilst best protecting and enhancing the natural and built environment.

There is a requirement to review and update Local Plans every five years which, for Tendring, means updating and adopting the Local Plan before January 2026 – the fifth anniversary of TDC adopting the shared Section 1 Local Plan for North Essex. In its meetings since 20 December 2023, the Planning Policy and Local Plan Committee has considered and agreed:

- a set of overarching guiding principles;
- the carrying out of a 'call for sites' exercise;
- a revised vision and objectives statement for consultation;
- six high-level spatial strategy options for consultation;
- an Issues & Options Consultation Document;
- revisions to the Local Development Scheme (LDS) setting out the overarching work programme and timetable; and

- the baseline housing position at April 2024 for the purposes of the Local Plan review.

As explained in this report, the change of Government in July 2024 and its proposed changes to the National Planning Policy Framework (NPPF) are likely to require all of the above work to be revisited – with an expectation that the number of new homes needing to be planned for could be double what the Committee and Officers had been preparing for. Despite this, the review of the Local Plan remains a statutory duty and a high priority for the Council, but the timescales for achieving it will need to be revised and resources and risks (set out below) re-evaluated.

## **RESOURCES AND RISK**

The overall review and update of the Local Plan will, as it has been to date, be managed by the Council's Planning Team utilising funds from the agreed Local Plan budget. The work on the Local Plan considered by the Planning Policy and Local Plan Committee up until now has been carried out mainly by Officers in-house; however parts of the evidence base are to be carried out by external consultants and some of this work is already under way. With the Government proposing significant changes to housebuilding targets, the scope of certain studies will need to be revisited to ensure they reflect the up-to-date position once it is confirmed and Officers are already in discussions with relevant consultants in that regard. There is likely to be additional costs associated with the additional work required which have the potential to be met within existing budgets, but that will need to be re-evaluated and kept closely under review once the full implications of the government changes have been confirmed and understood.

The potential doubling of Tendring's housebuilding requirement will involve assessing more sites and locations for development and testing the impacts on infrastructure and the environment across more parts of the district. It is also highly likely that, with more sites identified for development across a wider range of locations across Tendring, there will be significantly more public interest and objections to development proposals within our communities than would have likely been the case before. Any objections however would ultimately need to demonstrate that the plan would fail the tests of soundness in the NPPF for them to convince a Planning Inspector that the Plan should not be adopted. The likelihood of more objections and/or petitions from concerned residents and communities has a resource implication as these objections need to be considered as part of the plan-making process and the associated examination – with the potential delay and lengthened timescales.

Objections made in good faith and with good intent may need to be rebutted by the Council due to the sheer scale of the growth likely to be required by the Government under its proposed changes and the need for the Council to comply with national policy. In turn, this will place a great deal of pressure on the Council in maintaining positive communications and relationships with residents, Town & Parish Councils and other residents' groups; gaining public support for the Local Plan; maintaining a positive public reputation; managing constructive political relationships across the Council; and maintaining positive relationships with partner organisations and neighbouring authorities.

Ultimately, it will be a decision for Full Council to agree the final version of the updated Local Plan to be submitted to the Secretary of State.

When it comes to consultation on either high-level options or site-specific proposals, Officers would anticipate that residents will raise a variety of concerns including (but not limited to):

- questioning the need for any additional housing or employment land growth;
- suggestions that the District is already accommodating too much development;
- risk of a mismatch between the growth in housing and growth in jobs;
- potential for homes to attract in-comers to the District rather than meeting the needs of local families;
- the likely significant loss of greenfield agricultural land to development and its impact on future food production;
- the possibility that numerous developments will erode the special character of the District and its unique appeal;
- impacts of development on the landscape, wildlife, the setting of historic buildings and the character of towns, villages and neighbourhoods;
- impacts of development on health, education and other community infrastructure;
- deficiencies in transport and utilities infrastructure with concerns about potential increases in traffic and surface water flooding;
- criticism of recent developments and their impacts; and
- accusations of singling out certain communities for development.

Through its approach to consultation and communications, the Council will need to do its best to provide a clear explanation to residents of its duties around planning, the (substantially increased) requirements of national planning policy, the need for a Local Plan and the consequences of either failing to properly consider alternative options or otherwise not proceeding with the Local Plan review (i.e. that the Council could be left without an up-to-date Local Plan, leaving the District vulnerable to speculative, unplanned and unwanted development proposals and an uncertain period of 'planning by appeal').

As it stands, the Government's proposed changes to the NPPF are expected to impact significantly on the work programme and timetable for the Local Plan review, to the extent that it is highly unlikely the Council will be in a position to fully adopt an updated Local Plan before January 2026, as had originally been intended. The longer the Government takes to finalise its position following the close of the current consultation, the greater the delay is likely to be – and this risks the Council not having the updated Local Plan sufficiently advanced by January 2026 to resist speculative development. Further to this, the Government is looking to re-introduce the requirement to identify, on an annual basis, a supply of housing land sufficient to deliver five years' worth of housing against the mandatory targets, which increases the risk of speculative applications being allowed on appeal.

If that policy is carried through, there is a possibility of Tendring District Council going from a position of having a healthy five-year supply against its current target of 550 homes a year to having a shortfall

against a requirement of 1,043 literally overnight in January 2026. Therefore, unless the Council identifies small to medium-sized sites through the Local Plan review with the potential to deliver homes in the shorter-term, it could struggle to meet the five-year requirement and could once again be vulnerable to speculative housing proposals where there would be a presumption in favour of sustainable development to address the shortfall and a risk of planning by appeal – with all of its associated costs and reputational risks.

The preparation of a Local Plan is guided by legislation and regulations, which inform various stages of work and consultation that must be undertaken before the Plan can be lawfully adopted. As part of the examination process carried out by a government-appointed Planning Inspector, the Council will need to demonstrate the Local Plan's legal compliance and 'soundness' which, amongst other things will include compliance with national planning policy and any government requirements around housebuilding.

Third parties can apply for a Judicial Review if they feel the Council has acted unlawfully or have not followed the correct legal process. In order to mitigate the risk of Judicial Review, Officers in the Planning team will work closely with colleagues in Legal Services to ensure all relevant processes are adhered to throughout the programme of works, as well as following up-to-date advice from the Local Government Association's Planning Advisory Service (PAS).

## **LEGAL**

Planning legislation and the NPPF place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as as a basis for safeguarding the environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The statutory 'development plan' for Tendring includes the Tendring District Local Plan 2013-2033 and Beyond Sections 1 and 2, as well as adopted Neighbourhood Plans and the Essex Minerals and Waste Local Plans. The NPPF states that where the development plan is out of date permission should be granted for sustainable development unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or other policies indicate otherwise. It is therefore important to ensure the Local Plan is reviewed, and updated where necessary, to ensure the development plan does not become out of date.

The review process requires Councils to take account of any changes in national planning policy which will include the Government's proposed mandatory housebuilding targets if they are confirmed by the Government following the current consultation. In a letter from the Deputy Prime Minister to Councils dated 30 July 2024, it makes it clear that Local Plans at an earlier stage of development

yet to reach publication or submission stage will be expected to prepare plans against the revised version of the NPPF and progress as quickly as possible. This expectation therefore applies to Tendering.

Section 19 of the 2004 Planning and Compulsory Purchase Act requires a local planning authority to carry out a Sustainability Appraisal of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation and in addition prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”. The purpose of a Sustainability Appraisal is to ensure that potential environmental effects are given full consideration alongside social and economic issues.

Paragraph 34 of the National Planning Policy Framework states: *“Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).”* All of this work will now need to consider options in the context of significantly higher housebuilding targets if they are confirmed by the Government following NPPF consultation.

The terms of reference of the Planning Policy and Local Plan Committee includes the exercise of the Council’s functions, powers and duties in relation to the preparation of the District Council’s Local Plan, including ensuring that it meets the “tests of soundness” set out in the NPPF. When the Council does come to a final decision on the content of the updated Local Plan to be submitted to the Secretary of State in 2025, that decision will be one for Full Council.

## **OTHER IMPLICATIONS**

**Area or Ward affected:** All wards – with a likelihood that most parts of the district may have to play a role in the delivery of new homes to meet the Government’s proposed mandatory housebuilding targets if they are confirmed.

**Consultation/Public Engagement:** The Local Plan Review will ultimately involve the same statutory stages of Consultation and Public Engagement as the original preparation of the Local Plan. The Government has helpfully pushed back the ‘cut-off’ date for Local Plans being prepared under current plan-making regulations from August 2025 to December 2026 which at least allows the Council time to continue with the approach of updating rather than completely re-writing its current Local Plan from scratch.



With the Government's proposed changes to the NPPF and proposed introduction of mandatory housing targets, there is no benefit in proceeding with the public consultation on Issues & Options that had been agreed by the Committee and anticipated for September/October 2024. The content of the agreed Issues & Options Document is significantly out of step with current government thinking – particularly in relation to housebuilding targets and spatial strategy options and therefore it is proposed that the consultation be postponed pending the outcome of the Government's NPPF consultation.

The Government's changes to the NPPF and approach to mandatory housebuilding targets its itself the subject of public consultation and this is the subject of a separate report on the Committee agenda. Once the consultation is complete and the Government issues its final version of the new NPPF, Officers will prepare a new Issues & Options documentation and will consider with the Committee the most appropriate approach to consultation and engagement – having regard to the content of the document and the communities most affected.

### **PART 3 – SUPPORTING INFORMATION**

#### **Housebuilding requirements**

Housebuilding requirements had only been considered and discussed by the Planning Policy and Local Plan Committee at its most recent meeting on 23 July 2024, where a possible increase from 550 to 770 homes a year, in line with the current National Planning Policy and associated 'standard method' for calculating local housing need, was discussed. This would have required the Council to plan for between 3,000 and 4,000 additional new homes up to 2041, over and above the 9,600 homes already planned for through allocations in the current adopted Local Plan (including the Tendring Colchester Borders Garden Community and the Hartley Gardens, Rouses Farm and Oakwood Park developments around Clacton) and developments either already under construction or with planning permission.

On 30 July 2024, the new Labour Government, following an announcement from the Deputy Prime Minister, launched an eight-week consultation on proposed changes to the National Planning Policy Framework (NPPF) that, amongst other things, seeks to introduce mandatory housebuilding targets and significant revisions to the 'standard method' by which local housing need for local authorities is calculated. The revised method generates housebuilding targets aimed at achieving a national target of 370,000 homes a year with local apportionment based mainly on existing population size with uplifts relating to affordability – a move away from the current method that is based primarily on official household projections produced by the Office for National Statistics (ONS). Most significant for Tendring is the proposed removal of the 'cap' on housing target increases that, under current national policy and guidance, would have limited target increases to no more than 40% of existing Local Plan targets – thus limiting the increase from 550 to 770 homes a year.

The changes to national policy proposed by the new Government and the associated revisions to the standard method generate an uncapped mandatory housebuilding target of **1,043 homes a year**

from 2026. If confirmed following consultation, this would require the Council to identify land in the updated Local Plan to deliver an additional 7,000 to 8,000 homes up to 2041, over and above allocations in the current Local Plan and developments already with planning permission or under construction. This is **double** the amount of housing the Council had been preparing to plan for.

Whereas under previous government policy there was some scope to argue for a different figure in exceptional circumstances on the basis of unusual demographic factors, there is no such provision within the new Government's proposed changes. The only circumstances under which a Council could justify identifying land for a lower number is where there is physically insufficient land to meet the mandatory requirement; and even in those cases, there would be an expectation for neighbouring authorities to work together to deliver the unmet need across a wider area.

For Tendring, whilst such a substantial increase in housing targets will raise legitimate concern about environmental impacts, infrastructure provision and practical deliverability, we are a semi-rural district with plenty of undeveloped land which could physically accommodate the levels of housing proposed without having to rely on a neighbouring authority to assist. It is therefore very unlikely that the Council could avoid having to plan for the full 1,043 homes a year if the Government's current proposals go through.

For information, neighbouring Colchester City Council's housing requirements are expected to increase from 920 to 1,290 under the Government's proposals. Through the Tendring Colchester Borders Garden Community, some of Colchester's current housing requirement is planned to be met on land mainly within Tendring through the joint arrangements that are already in place.

### **Spatial Strategy Options**

At its meeting of 2 April 2024, the Committee considered and agreed six high-level spatial strategy options for accommodating 3,000-4,000 additional homes and new employment sites in Tendring. With the housing requirement potentially doubling to around 7,000-8,000, these options are now out of step with government thinking and would fall substantially short of what is likely to be required under the proposed mandatory targets. The sheer scale in the proposed increase in housing for Tendring and the need for significantly more land to be identified in the Local Plan limits the number of permutations and options that can realistically be put forward to the public for consultation – with most parts of the District likely to be affected by some form of housing development in order to achieve the numbers.

From initial analysis, Officers believe there might realistically be as few as two alternative options for accommodating the scale of growth now being proposed – both of which would be variations on the 'hybrid' Option 4 involving development in most parts of the district but with a particular focus on the north of the district at Harwich and the A120 corridor with potential strategic scale housing and employment developments around the Harwich urban area, Frating/Great Bromley and Horsley Cross. To the south of the District, there might also need to be major housing developments either spread through the larger villages with railway stations on the Colchester to Walton on the Naze

branch line, or concentrated through strategic expansion at one of these villages - most likely Weeley. Elsewhere, it is highly likely that most towns and villages will need to accommodate a proportion of the additional growth requirements, with even some of the smaller villages accommodating some development. Small sites in these locations could help to achieve the requirement that 10% of housing need is met on sites of less than 1 hectare – a requirement that is expected to remain in the NPPF.

Once the Government's consultation is complete and any new housebuilding targets are confirmed, Officers will bring forward details of revised spatial strategy options for the Committee's consideration and agreement for the purposes of public consultation.

### **Vision and Objectives**

At its meeting of 27 February 2024, the Committee agreed a revised version of the Local Plan's vision and objectives for the purpose of consultation at the Issues & Options stage. At that time, it was agreed that the vision and objectives would be carried forward, broadly unchanged, in the updated Local Plan; but that they would be amended selectively and as necessary to reflect changes in national policy, updated evidence, and the potential opportunities arising from Freeport status (particularly in relation to Harwich, Bathside Bay and the A120 corridor).

If a substantially different spatial strategy for the pattern of growth in Tendring is going to be required to meet a mandatory housebuilding target of 1,043 homes a year, with the possibility of new Garden Villages having to be established in at least two locations, it follows that the vision and objectives for the updated Local Plan are likely to require a more fundamental change than had originally been anticipated. This will need to be revisited before the Council proceeds with any consultation on Issues & Options.

### **Overarching Principles for the Local Plan Review**

On 20 December 2023, the Committee launched the review of the Local Plan – starting with agreement to a series of overarching 'guiding principles' that would underpin the approach to be taken. Most of these principles will still be applicable to the Local Plan review, even if the Government's new mandatory housing targets are confirmed. However, some may need to be revisited and either amended or reconfirmed to reflect changes to the NPPF.

In particular, the principle around the timeframes for submission to the Secretary of State by June 2025 to enable the Local Plan to proceed in line with current plan-making arrangements and onto adoption before January 2026 is no longer achievable, in light of the Council having to reconsider its position on options to deliver the scale of housing development now being proposed. This is discussed in more detail below.

The principle of carrying forward the current 'settlement hierarchy' within the updated Local Plan may also need revisiting. The settlement hierarchy generally expects larger developments around

larger towns and at the Garden Community, and proportionately smaller developments for smaller towns and villages according to their level of shops, jobs, services and facilities. If the amount of housing land required as part of the Local Plan review doubles, it is highly unlikely that any option that simply carries forward the current settlement hierarchy will achieve the numbers required. The establishment of two or more Garden Villages in strategically important locations could be necessary, and this will need to be reflected in a substantially amended settlement hierarchy policy if the Government's proposed housebuilding targets are confirmed.

Otherwise, Officers consider most of the agreed guiding principles to be relevant, justified and achievable – even in the context of much higher housing numbers. For example, maintaining the general format, chapter headings and policy order from the current Local Plan is still Officers' intention; limiting additional housing growth around Clacton and the Garden Community given the significant levels of development already planned for in those areas through the current Local Plan up to 2041 remains justified; and carrying forward and protecting the existing Local Plan's 'Strategic Green Gaps' remains a priority.

### **Evidence Base**

As well as all the work that has gone into scoping out the Local Plan review and preparing and agreeing principles, vision and objectives, spatial options, and content for the Issues & Options stage of the plan-making process, Officers have also been updating the evidence base for the Local Plan and commissioning expert consultants to carry out necessary studies that will inform the Plan. Notable commissions include a Strategic Housing Market Assessment (SHMA) to advise on the size, type and tenure of housing likely to be required; and a Strategic Employment Land Study to revisit the Council's Economic Growth Strategy and consider the need to allocate more land for employment use (particularly given the potential for job creation off the back of Freeport designation). Work is also underway on transport modelling, infrastructure requirements, landscape character, Community Infrastructure Levy, and the Sustainability Appraisal.

The potential for the Tendring housebuilding targets to increase to 1,043 homes a year from 2026 under the new Government's proposals will have significant implications for both the inputs and outputs on these pieces of evidence base work and Officers are therefore engaging with the various consultants to pause work where necessary pending the outcome of the government consultation and to start considering the potential implications of the proposed changes. Delays in the preparation of the evidence base will, in turn, impact upon the overall timetable for the Local Plan review.

### **Timetable for the Local Plan Review**

With the outcome of the NPPF consultation pending and an expectation that the Government will want to push ahead with proposals to introduce increased mandatory housebuilding targets, Officers recommend that the Issues & Options consultation that had been scheduled for September/October 2024 is postponed until later this year or early 2025, to enable the full implications to be understood

and incorporated into the consultation material once the government position on the NPPF and housebuilding targets is confirmed.

This has knock-on implications for the overall timetable for the Local Plan review and will result in Preferred Options consultation moving to Spring 2025 at the earliest; and Submission stage consultation moving to Autumn 2025 with, at best, submission to the Secretary of State by January 2026.

The deadline imposed by the previous Government, that required the Council to submit the updated Local Plan for examination by the end of June 2025, will be extended as part of the current proposals – with the suggested deadline now the end of December 2026.

A consequence of these delays is that the Council will very unlikely be in a position to have fully adopted its updated Local Plan within the five-year review period; but it might be able to reach submission stage by then - a sufficiently advanced stage in the plan-making process to enable the Council to afford its policies and proposals some weight in the determination of planning applications.

### **Five-Year Supply**

One of the most challenging aspects of the Government's proposed changes to the NPPF is the re-introduction of the requirement for Councils to *"identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old"* – irrespective of whether they have an up to date Local Plan or not. In 2023, the previous Government had amended the NPPF so that authorities with an up-to-date Local Plan (i.e. less than five years old) did not have to identify and update a five-year housing land supply on an ongoing annual basis – the new Government's proposals seek to reverse this amendment.

Between 2015 and the adoption of our Section 1 Local Plan in 2021, the Council was presented with numerous unplanned, unwanted and speculative planning applications for housing development in many parts of the District. Because the Council's previous Local Plan from 2007 was out of date at that time and we were unable to demonstrate a five-year supply of housing land in line with NPPF requirements, many planning permissions were granted on appeal, against the wishes of the Council and local residents, to help make up the shortfall. This is because the NPPF includes a 'presumption in favour of sustainable development' that supports the grant of planning permission, without delay, for development that accords with an up to date Local Plan – but which, for authorities where local plan policies are out of date or where a five-year housing land supply cannot be identified, applies to all housing development proposals (even those that would normally be considered contrary to the Local Plan). In those circumstances, Councils are required to balance economic, social and environmental factors in coming to a decision.

The adoption of the Section 1 Local Plan in 2021 and confirmation of the Tendring housing target of 550 homes a year put the Council in a position where it could demonstrate a five-year housing supply and robustly resist speculative planning applications for housing that ran contrary to the Local Plan. Since then, the Council has consistently been able to demonstrate in excess of six-years housing supply, and the number of speculative applications have reduced dramatically with very few planning applications for housing have been granted on appeal.

A consequence of the new Government's proposed changes is that on 27 January 2026 (the day after the fifth anniversary of adopting the current Section 1 Local Plan), the housebuilding target for Tendring could jump from 550 homes a year to 1,043 homes a year. Therefore, whilst the Council should be able to demonstrate a comfortable five-year housing supply against its adopted Local Plan housing requirement of 550 a year up to 26 January 2026, we would be required on the very next day to identify a five-year housing supply against the increased target of 1,043 homes a year – which is likely to be very difficult to achieve.

Through the review of the Local Plan the Council will need to identify sufficient additional land capable of meeting the enlarged five-year requirement over the period 2026-2031 – however, as explained above, it now seems unlikely that the new Local Plan will be formally adopted before 27 January 2026 (although it may have at least reached the stage of submission to the Secretary of State and could be given some weight in decision making).

For a site to be considered 'deliverable' and for it to feature within the Council's five-year supply figures, the NPPF states:

*"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

*a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*

*b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."*

In very simple terms, there is a general expectation from government that sites included in a Council's five-year supply figures should already have obtained detailed planning permission or else there is a burden on the Council to demonstrate, with clear evidence, that housing completions will begin on site within five years. The challenge for this Council is that come 27 January 2026, it could

struggle to demonstrate a five-year supply of truly deliverable sites unless it starts granting planning permission for housing development early, i.e. in advance of January 2026 and while the Local Plan review is still progressing through the different stages of consultation in draft form.

The consequence of not being able to demonstrate a truly deliverable five-year supply against a target of 1,043 a year from 27 January 2026 could be a return to speculative planning applications for housing, the need for the Council to apply the presumption in favour of sustainable development in their determination, and the risk of having to fight, resource and potentially lose appeals.

Furthermore, whilst the Council can identify land and grant planning permission for development, it cannot control whether or not developers actually build, or the rate of delivery – these are matters dictated by the economy, market forces and the commercial decisions of individual housebuilding companies. In other words, the Council can do what it can through its planning powers to create the conditions for housing delivery, but cannot force developers to build. Therefore, the ability for the Council to comply with the requirements of the NPPF and maintain a five-year supply of deliverable housing sites is, to a large extent, at the mercy of the housebuilding industry.

These are serious concerns that Officers would recommend highlighting in the Council's response to the NPPF consultation. These risks would have been much smaller had the housebuilding target only increased to 770 homes a year as had been anticipated previously.

### **Wider implications for the Council and the District**

This report has focussed mainly on the implications of the Government's proposed changes on the review of the Tendring Local Plan and the Council's duties in respect of planning – however the short, medium and long-term implications of increasing housebuilding from 550 homes a year to 1,043 homes a year from 2026 are much wider both for our District and for the Council; and these will need further consideration going forward.

From an economic perspective, boosting the delivery of housing has the potential for supporting growth in the economy, improving the conditions for inward investment and job creation by providing homes for working age people, generating demand for goods and services, providing employment in construction and associated trades and supply-chains, and generating increased revenue for public services.

From a social perspective, an increase in overall housing provision could help deliver higher levels of social housing to meet the needs of people on lower incomes and those on the Council's housing waiting list, and address some of the difficulties younger people face in accessing the housing market. However, housing growth would put increased pressure on public services, schools, medical provision and the transport network unless planned and timed in a way that minimises and mitigates those impacts or delivers new schools, new health facilities and improvements to transport infrastructure.

Environmentally, such a significant increase in housing development in a district with very limited previously developed 'brownfield' land will mean the permanent loss of significant amounts of greenfield and agricultural land which will permanently alter the character and appearance of many of our towns, villages and rural areas. Under current legislation, there is a requirement for developments to deliver a 'biodiversity net gain' (BNG) which will mitigate and improve the situation overall for wildlife, but there will undoubtedly be unavoidable damage to certain habitats, trees and hedges to make way for new development. Whilst there will be policies put in place to ensure new homes are as energy efficient and environmentally friendly as possible and to encourage more people to walk, cycle and use public transport or electric vehicles, there will undoubtedly be increased carbon emissions during construction resulting from increased traffic in certain locations, which will need to be very carefully considered and addressed.



## PLANNING POLICY AND LOCAL PLAN COMMITTEE

16 SEPTEMBER 2023

### REPORT OF THE DIRECTOR OF PLANNING

#### **A.2 GOVERNMENT CONSULTATION: PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM – TENDRING DISTRICT COUNCIL'S RESPONSE**

(Report prepared by Paul Woods)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To invite discussion and seek agreement from the Planning Policy and Local Plan Committee to Tendring District Council's formal response to the Government's consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system.

##### **EXECUTIVE SUMMARY**

As discussed in the previous agenda item A.1, the new Government has announced a series of proposed changes to the NPPF and the wider planning system. These changes are the subject of a public consultation, running for eight weeks from 30<sup>th</sup> July – 24<sup>th</sup> September 2024.

The consultation material consists of 15 chapters of explanatory text outlining the proposed changes, and 106 focussed questions about the proposals. The full consultation document is included at Appendix 1, with the Officers' suggested response to each question included in bold text for easy identification and for Members' consideration.

The key concerns and ideas that Officers have raised throughout the suggested response include:

- The imposition of top-down housebuilding targets on a mandatory basis with no scope for local circumstances, constraints or exceptional circumstances to be taken into account;
- The significant practical implications of reintroducing the requirement to demonstrate a five-year housing land supply at the same time as dramatically increasing housing targets, which creates a 'cliff-edge' scenario for the Council come January 2026 and looks realistically unachievable;
- The need for Government to provide financial support to Local Authorities to deliver the required infrastructure to facilitate housing development of the scale proposed;
- The need for financial support to deliver a greater amount of affordable and social housing as part of such a step-change in overall housing delivery; and
- The importance of retaining local control of large-scale infrastructure projects, rather than expanding the NSIP regime.

Many of the questions in the consultation relate to 'Green Belt' policy, which is of no direct relevance to Tendring, and it is suggested that no comments are offered in response to those matters.

## **RECOMMENDATION**

**That the Planning Policy and Local Plan Committee:**

- a) notes the content of this report;**
- b) endorses the draft response to the Government consultation, as attached at Appendix 1; and**
- c) recommends to the Portfolio Holder for Housing and Planning, that the draft response, together with any agreed changes to it made at this meeting, be approved and be submitted to the Ministry of Housing, Communities and Local Government before the close of the consultation on 24<sup>th</sup> September 2024.**

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

Ensuring the District has an up-to-date Local Plan is a high priority for the Council and the review of the Local Plan is identified as a priority within the Corporate Plan (Our Vision) 2024-2028. It is also the goal of government for local planning authorities to deliver sustainable development and coordinated provision of housing, jobs and infrastructure whilst best protecting and enhancing the natural and built environment.

There is a requirement to review and update Local Plans every five years which, for Tendring, means updating and adopting the Local Plan before January 2026 – the fifth anniversary of TDC adopting the shared Section 1 Local Plan for North Essex.

The change of Government in July 2024 and its proposed changes to the National Planning Policy Framework (NPPF) are likely to require all of the work already undertaken for the Local Plan Review to be revisited – with an expectation that the number of new homes needing to be planned for could double.

Whilst there are no guarantees the Government will make any changes in response to concerns raised by this Council and others, the implications for Tendring are significant and far-reaching and it is there important for the Council to respond to the consultation as it could be the only opportunity to influence the approach before the proposals are finalised.

### **RESOURCES AND RISK**

The proposed response to the Government consultation has been prepared by Officers in the Council's Planning Policy Team having carefully considered the potential implications – the main ones of which are highlighted in the separate Report A.1.

As it stands, the Government's proposed changes to the NPPF are expected to impact significantly on the work programme and timetable for the Local Plan review to the extent that it is highly unlikely the Council will be in a position to fully adopt an updated Local Plan, as had originally been intended, before January 2026. The proposed response to the consultation stresses that councils should not be penalised if their Local Plans become out of date due to external factors such as the General Election and subsequent proposed changes to the planning system.

The Government is looking to re-introduce the requirement to identify, on an annual basis, a supply of housing land sufficient to deliver five years' worth of housing against the mandatory targets. If that policy is carried through, there is a possibility of Tendring District Council going from a position of having a healthy five-year supply against its current target of 550 homes a year to having a shortfall against a requirement of 1,043 literally overnight in January 2026. Therefore unless the Council identifies small to medium-sized sites through the Local Plan review with the potential to deliver homes in the shorter-term, it could struggle to meet the five-year requirement and could once again be vulnerable to speculative housing proposals where there would be a presumption in favour of sustainable development to address the shortfall and a risk of planning by appeal – with all of its associated costs and reputational risks.

Whilst there are no guarantees that the Government will make any changes in response to the Council's comments on the NPPF consultation, this could be the Council's only opportunity to highlight its concerns and influence the outcome before the NPPF changes are finalised.

## **LEGAL**

The Government consultation proposes a series of changes to the National Planning Policy Framework, which governs the process of preparing a Local Plan and in taking planning decisions. The NPPF can be updated by Government without the need for additional primary legislation, and the changes are expected to be brought in in the months following the close of the consultation.

Additional changes to the planning system are proposed, some of which will necessitate changes to legislation. These changes may need to be debated by Parliament and will likely take longer to implement. This phased approach to reforming the planning system creates greater uncertainty for the Council and other stakeholders in the planning process.

## **OTHER IMPLICATIONS**

**Area or Ward affected:** All wards – with a likelihood that most parts of the District may have to play a role in the delivery of new homes to meet the Government's proposed mandatory housebuilding targets if they are confirmed.

**Consultation/Public Engagement:** None. This consultation is being carried out by the Government, and the Council is a consultee.

## **PART 3 – SUPPORTING INFORMATION**

The new Government is conducting a consultation on their proposed approach to revising the National Planning Policy Framework and a series of wider policy proposals in relation to increasing planning fees, local plan intervention criteria, and appropriate thresholds for certain Nationally Significant Infrastructure Projects (NSIPs).

The consultation runs from Tuesday 30<sup>th</sup> July 2024 and closes at 11.45pm on Tuesday 24<sup>th</sup> September 2024.

Throughout the consultation document, the Government asks a series of questions about specific proposals and changes to the NPPF. The full response can be found at Appendix 1, and a summary of each section is included below. A tracked changes version of the NPPF is linked as a background document.

### **Chapter 1 – Introduction**

This section sets out the Government's intention to improve the prosperity of the country through sustained economic growth, and states that decisive reform is urgently needed in the planning system. It summarises the objectives of the subsequent chapters. There are no questions about this chapter.

### **Chapter 2 – Policy objectives**

This chapter reiterates the Government's objective to build 1.5 million homes over the next five years, as well as supporting crucial energy, water and commercial projects. There are no questions about this chapter.

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

The first proposal in this chapter is to reverse the changes made to the NPPF by the previous Government in December 2023. The new government intends to make it very clear that the standard method should be used to assess housing need, rather than it being an 'advisory starting point'. Advice TDC have received from our demographics consultants indicated that under the existing system there would not be grounds to challenge the standard method or argue for an alternative approach, so the change of wording here has little practical impact on Tendring. The new standard method (and the higher housing requirement) is discussed in the next chapter.

This section then touches briefly on the 'urban uplift', which did not apply to Tendring. However, by removing this uplift, rural areas such as Tendring will have to accommodate a greater proportion of the national housing target.

The document proposes reversing changes made to the NPPF in December that acknowledges that significant uplift in density might be inappropriate in certain areas. The proposed response

emphasises that while some areas could accommodate higher densities, rural areas of the countryside should be protected through national policy.

The Government proposes to strengthen the presumption in favour of sustainable development, reintroduce the requirement to demonstrate a 5-year supply of housing land on an ongoing basis, and restore the 5% buffer. As discussed in the previous report, this would present a cliff-edge situation for Tendring whereby the Council could demonstrate a 5-year supply on one day and not the next. This would open the door to speculative and unwanted developments, and the proposed response to the questions raises this concern.

The proposed changes also cover cross-boundary cooperation. This is something that TDC has done successfully over many years, working collaboratively with Colchester City Council and Braintree District Council on the shared Section 1 Local Plan, and with Essex County Council on a wide variety of planning matters.

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

This chapter focusses specifically on the way that housing needs are calculated and proposes a new standard method calculation that results in an extremely high annual housing requirement for Tendring. The proposed responses in this chapter question the validity of this new method, and the realistic deliverability of such a high number.

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

This chapter focusses primarily on the proposal to relax rules to allow the redevelopment of brownfield (previously developed) land within the Green Belt (so-called 'grey belt' land). As Tendring does not include any land designated as Green Belt, the Council does not need to comment on the specifics of this policy – although it will be important that any proposals that seek to encourage redevelopment of brownfield land also consider the impact on rural settings and the risk of allowing housing in inappropriate locations without access to services, infrastructure, or sustainable transport.

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

This chapter opens by discussing affordable housing, and the Government's intention to increase the delivery of homes for social rent. The proposal is to require Local Authorities to set their own target for social housing, based on their housing needs assessment – but does not indicate whether any financial support will be made available to enable councils or registered providers to deliver these homes.

The consultation then proposes removing specific requirements about affordable housing from the NPPF – the requirement to deliver at least 10% of homes on major sites as 'affordable home ownership', and the requirement that a minimum of 25% of affordable homes should be 'First Homes'. These requirements complicate the negotiations around affordable homes, and lead to a confusing policy situation. The specific types of affordable housing to be prioritised can instead be established locally, based on the Council's own assessments.

There is a proposal for a national policy calling for a mix of dwelling types, sizes and tenures in new developments – something that Tendring's Local Plan already does. Similarly, a proposal to support the development of exclusively or predominantly affordable housing schemes broadly reflects the aims of the Local Plan's rural exception sites policy.

The Government are considering changing the definition of 'affordable housing for rent' in order to make it easier for more organisations to develop new affordable homes. For many people, particularly in rural communities, 'affordable housing' is still not genuinely affordable – and greater support will be required from central government to facilitate the delivery of more social housing.

The current NPPF requires Local Plans to allocate for at least 10% of their total housing requirement to be met on small sites. The consultation document states that many Councils do not achieve this and proposes to remove the current caveat that there may be places where strong reasons exist which means it cannot be achieved. A key challenge when delivering smaller sites, as Tendring has experienced in recent years, is securing the delivery of comprehensive and coherent infrastructure – with developer contributions collected in a piecemeal fashion as various sites come forward. In rural locations, such as the villages in Tendring, small extensions to the settlement boundary, following logical field boundaries, often result in sites slightly larger than 1ha (which fails to meet the definition of 'small sites'). Allowing a degree of flexibility in defining small sites would make it easier for the Council to meet this requirement and increase opportunities for small and medium house builders.

## **Chapter 7 – Building infrastructure to grow the economy**

This chapter begins by identifying particular industries within the modern economy that will benefit from greater support in the NPPF, with the expectation that suitable sites are identified in Local Plans. These proposals include freight, logistics and global trade, as well as data centres, laboratories and digital infrastructure – all of which are already a focus within Tendring through the Freeport East designation and the knowledge-based employment proposed at the Garden Community. Given advances in technology around food production, and concerns around the loss of agricultural land to make way for housing development, the proposed response suggests 'AgroSciences' as a possible sector that could benefit from particular support through national policy.

The proposals suggest that certain developments, such as data centre, 'gigafactories' and/or laboratories could be considered as part of the Nationally Significant Infrastructure Project (NSIP) regime – in the same way large renewable energy proposals are currently being considered. This would erode the amount of influence the Council has in these decisions, and could impact the delivery of local strategies, and is therefore resisted. Further support from central Government to attract such investment is suggested as a more effective means of achieving this growth.

In order to attract inward investment in the District, the proposed response suggests that greater government support for capacity in local planning and economic growth teams would bring the most benefit.

## **Chapter 8 – Delivering community needs**

The consultation proposes additional wording to the NPPF to make it clear that significant weight should be placed on the importance of facilitating new, expanded or upgraded public service infrastructure. Specific reference will be made to the provision of early years and post-16 education, in addition to school places, in national policy.

The Government proposes a move from the 'predict and provide' model of transport planning to a 'vision-led' approach which will seek to make new developments more sustainable. While the Council has a track record of working positively with ECC to develop vision and strategy to increase the use

of sustainable transport, the immediate impact of new developments on existing communities should not be ignored – and the proposed response makes it clear that appropriate upgrades to the highways network should still be made to mitigate the impacts of new development.

In order to promote healthier communities, the Government is considering approaches such as controlling hot food takeaways near schools. The proposed response emphasises the need for such interventions to be evidence based, and to be implemented with the support of local communities to ensure they address the right issues in the right places.

## **Chapter 9 – Supporting green energy and the environment**

The Government is proposing to bring onshore wind back into the NSIP regime, removing control from local councils. The proposed response highlights the concern that those most affected by these proposals have very little influence in the process, and that the benefits of such schemes often aren't experienced by those most impacted. There is a proposal to increase the expectation that Councils should support other schemes for renewable energy, and the response emphasises that these must be delivered in the right locations and in the right way – and that negative impacts (such as environmental harms) should not be ignored.

In light of the advancements in technology since the NSIPs regime was introduced, the thresholds above which wind and solar projects are deemed to be 'Nationally Significant' will be increased, allowing local authorities to determine schemes that fall under this threshold. The proposed response supports this, as it will increase the amount of local control of smaller schemes – but calls for greater resourcing of local authority planning departments to ensure the expertise are available to determine these applications in a timely and effective manner.

Questions are asked about the state of national policy with regards to climate change mitigation and adaptation, the challenges to carbon accounting through the planning process, and issues around policy for managing flood risk. The proposed response suggests a national approach to climate resilience in planning, which would save time and expense during the preparation of local planning policies. In order to effectively monitor the carbon footprint through the planning process, the proposed response calls for greater resourcing for council planning teams in order to achieve this.

In light of the proposed acceleration of housebuilding, and the impact this will have on Tendring's agricultural land, the proposed response highlights the importance of innovation in this area and calls for support for the farming community to increase the nation's food security.

The proposals seek to move a number of water infrastructure projects into the NSIP regime, removing control of these developments from local authorities. The proposed response makes clear that such proposals, while important, should be considered and determined locally.

## **Chapter 10 – Changes to local plan intervention criteria**

The consultation proposes either updating the criteria that establishes when the Secretary of State can intervene in the local plan process or removing the criteria altogether to allow a discretionary process. The proposed response emphasises the importance a proportionate and flexible approach and argues that councils such as TDC (who had been reviewing their Local Plan at the right time but have been disadvantaged and delayed by the new Government's significant changes to the planning system) should not be penalised for circumstances that were outside of its control. Removing the

criteria altogether would create less certainty, at a time of significant change and upheaval in the planning system and should not be considered.

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

The proposals in this chapter suggest increasing householder planning fees to a level that broadly matches the cost of determining these applications. Although a fee of £528 is suggested (estimated at only 1% of the overall cost of undertaking most householder developments), later proposals in this chapter suggest that councils will be able to vary these fees locally if they can demonstrate that they do not meet the full costs of determining such applications. A system where national fees can be varied where necessary would be preferred over a system that requires every local authority to determine and justify their own fees, which would carry a significant burden of evidence and be open to challenge from developers who may be charged less elsewhere in the country.

The proposals suggest that planning fees could be increased beyond just cost recovery for determining the application, and also be used to fund other planning services (such as plan preparation, heritage and conservation, enforcement etc.) However, there is the risk that in places where development viability is already used to negotiate lower developer contributions, the increased planning fees would simply result in lower level of contributions collected to fund infrastructure delivery.

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

This chapter explains the proposed transitional arrangements for Local Plans at an advanced stage of preparation. They do not apply to Tendring's Local Plan Review, which is at a comparatively early stage – and the proposed response emphasises the need for transitional protection for authorities like TDC who face a cliff edge situation when their current Local Plan reaches 5 years old. Councils who have been working in good faith to keep their Local Plan up to date should not be penalised for circumstances (such as the General Election and subsequent proposed planning reforms) that were outside of their control.

## **APPENDICES**

Appendix 1 – Full Consultation document, including suggested TDC response

## **Background Documents**

National Planning Policy Framework: draft text for consultation ([link](#))



## **A.2 APPENDIX 1**

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

Published 30 July 2024

## **Applies to England**

This publication is available at <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

## **A.2 APPENDIX 1**

### **Scope of consultation**

#### **Topic of this consultation**

This consultation seeks views on our proposed approach to revising the National Planning Policy Framework in order to achieve sustainable growth in our planning system. We are also seeking views on a series of wider policy proposals in relation to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects.

#### **Scope of this consultation**

The Ministry of Housing, Communities and Local Government is seeking views on how we might revise national planning policy to support our wider objectives. Full details on the scope of consultation are found within chapter 1. Chapter 14 contains a table of all questions within this document and signposts their relevant scope. In responding to this consultation, we would appreciate comments on any potential impacts on protected groups under the Public Sector Equality Duty. A consultation question on this is found in chapter 13.

#### **Geographical scope**

These proposals relate to England only.

## **A.2 APPENDIX 1**

### **Basic Information**

#### **Body/bodies responsible for the consultation**

The Ministry of Housing, Communities and Local Government

#### **Duration**

This consultation will begin on Tuesday 30 July 2024 at 2pm and close at 11.45pm on Tuesday 24 September 2024.

#### **Enquiries**

For any enquiries about the consultation please contact:

[PlanningPolicyConsultation@communities.gov.uk](mailto:PlanningPolicyConsultation@communities.gov.uk)

## **A.2 APPENDIX 1**

### **How to respond**

Citizen Space is the department's online consultation portal and our preferred route for receiving consultation responses. We strongly encourage responses are made via Citizen Space, particularly from organisations with access to online facilities such as local planning authorities, representative bodies and businesses. Consultations receive a high-level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised.

#### [Respond via Citizen Space](#)

If you cannot respond via Citizen Space, you may send your response by email to:

[PlanningPolicyConsultation@communities.gov.uk](mailto:PlanningPolicyConsultation@communities.gov.uk)

Written responses should be sent to:

Planning Policy Consultation Team  
Planning Directorate – Planning Policy Division  
Ministry of Housing, Communities and Local Government  
Floor 3, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

When you reply, it would be very useful if you please confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable)
- the name of organisation (if applicable)

Please make it clear which question or paragraph number each comment relates to and ensure that the text of your response is in a format that allows copying of individual sentences or paragraphs, to help us when considering your view on particular issues. Thank you for taking time to submit responses to this consultation. Your views will help improve and shape our national planning policies.

## **A.2 APPENDIX 1**

### **Chapter 1 – Introduction**

**1. The Government has made clear that sustained economic growth is the only route to improving the prosperity of our country and the living standards of working people.** Our approach to delivering this growth will focus on three pillars: stability, investment and reform.

**2. Nowhere is decisive reform needed more urgently than in our planning system.** The December 2023 changes to the National Planning Policy Framework (NPPF) were disruptive to the sector and detrimental to housing supply. The Chancellor’s speech on 8 July committed to consulting on reforms to the NPPF to take a different, growth-focused approach.

**3. Today, we set out specific changes we propose to make immediately to the NPPF following this consultation.** These changes – amending the planning framework, and universal, ambitious local plan coverage – are vital to deliver the Government’s commitments to achieve economic growth and build 1.5 million new homes. Specifically, they will:

a. make the standard method for assessing housing needs mandatory, requiring local authorities to plan for the resulting housing need figure, planning for a lower figure only when they can demonstrate hard constraints and that they have exhausted all other options;

b. reverse other changes to the NPPF made in December 2023 which were detrimental to housing supply;

c. implement a new standard method and calculation to ensure local plans are ambitious enough to support the Government’s manifesto commitment of 1.5 million new homes in this Parliament;

d. broaden the existing definition of brownfield land, set a strengthened expectation that applications on brownfield land will be approved and that plans should promote an uplift in density in urban areas;

e. identify grey belt land within the Green Belt, to be brought forward into the planning system through both plan and decision-making to meet development needs;

f. improve the operation of ‘the presumption’ in favour of sustainable development, to ensure it acts an effective failsafe to support housing supply, by clarifying the circumstances in which it applies; and, introducing new safeguards, to make clear that its application cannot justify poor quality development;

g. deliver affordable, well-designed homes, with new “golden rules” for land released in the Green Belt to ensure it delivers in the public interest;

h. make wider changes to ensure that local planning authorities are able to prioritise the types of affordable homes their communities need on all housing development and that the planning system supports a more diverse housebuilding sector;

## **A.2 APPENDIX 1**

i. support economic growth in key sectors, aligned with the Government’s industrial strategy and future local growth plans, including laboratories, gigafactories, datacentres, digital economies and freight and logistics – given their importance to our economic future;

j. deliver community needs to support society and the creation of healthy places; and

k. support clean energy and the environment, including through support for onshore wind and renewables.

**4. The proposed changes are explained in this document and set out in an accompanying draft NPPF.** The Government will respond to this consultation and publish NPPF revisions before the end of the year, so that policy changes can take effect as soon as possible.

**5. Alongside these specific changes, the document also calls for views on:**

a. whether to reform the way that the Nationally Significant Infrastructure Projects (NSIP) regime applies to onshore wind, solar, data centres, laboratories, gigafactories and water projects, as the first step of the Government’s NSIP reform plans;

b. whether the local plan intervention policy criteria should be updated or removed, so the Government can intervene where necessary to ensure housing delivery; and

c. proposals to increase some planning fees, including for householder applications, so that local planning authorities are properly resourced to support a sustained increase in development and improve performance.

**6. Finally, it sets out how and when we expect every local planning authority to rapidly create a clear, ambitious local plan for high quality housebuilding and economic growth.**

## **A.2 APPENDIX 1**

### **Chapter 2 – Policy objectives**

1. **By fixing the foundations of our economy we can rebuild Britain and make every part of our country better off; decisive reform to the planning system is urgently needed to achieve that.** New homes create jobs and investment in construction and ensure people can afford to live where they wish and access high-quality, productive jobs. And yet planning permissions for new homes have fallen to a record low. Clean energy lowers the cost of living and the cost of doing business, but the average time taken to approve large infrastructure projects has grown to more than four years. Commercial development lets businesses expand and support the economy, but the existing planning framework makes no reference to the specific types of development our modern economy needs.
2. **Our antiquated planning system delays too many of these projects, stymieing Britain’s ability to grow its way to prosperity.**
3. **We will take the difficult decisions necessary to build what Britain needs.** That includes 1.5 million homes in England over the next five years, and crucial energy, water and commercial projects.
4. **Our objectives for reform build on our manifesto commitments.** We will:
  - a. **get Britain building again**, to build new homes, create jobs, and deliver new and improved infrastructure;
  - b. **take a brownfield first approach and then release low quality grey belt land**, while preserving the Green Belt;
  - c. **boost affordable housing**, to deliver the biggest increase in social and affordable housebuilding in a generation;
  - d. **bring home ownership into reach**, especially for young first-time buyers;
  - e. **extract more public value from development**, including through infrastructure, amenity, and transport benefits and, where necessary, through use of strengthened compulsory purchase powers;
  - f. **ensure communities continue to shape housebuilding in their areas**, demanding universal local plan coverage from all local planning authorities, while making full use of intervention powers to build the houses we need if this is not achieved;
  - g. **promote a more strategic approach to planning**, by strengthening cross-boundary collaboration, ahead of legislation to introduce mandatory mechanisms for strategic planning;
  - h. **support the development needed for a modern economy**, to prepare the way for our modern industrial strategy; and
  - i. **unlock new sources of clean energy**, supporting our mission to deliver clean energy by 2030.

## **A.2 APPENDIX 1**

**5. Delivering those objectives starts with local planning authorities planning for sufficient homes, commercial development and wider infrastructure in their local plan.** Local plans clearly spell out to developers and communities where development will and will not take place, bringing certainty to all parties. They are also the mechanism through which local communities can have their say in how homes are built. It is unacceptable for local planning authorities to not make a local plan.

**6. Those plans need to be suitably ambitious to build 1.5 million new homes.** We are therefore making the standard method the mandatory starting point for planning for homes, implementing a revised standard method so that councils will plan to achieve the delivery of the homes we need, and reversing other damaging changes to planning policy which disrupted the sector and stifled supply.

**7. They also require us to take a strategic approach to releasing land.** We are committed to preserving the Green Belt, but its current design can protect poor quality sites while communities face acute shortages of housing. We will empower authorities to release Previously Developed Land and low quality grey belt sites to ensure enough land is made available for new homes – while continuing to ensure that brownfield development is prioritised and that development is in sustainable locations.

**8. We must deliver more affordable, well-designed homes quickly.** We are changing national policy to support more affordable housing, including more for Social Rent, and implementing golden rules to ensure development in the Green Belt is in the public interest. Promoting a more diverse tenure mix will support the faster build out we need.

**9. We must grow the economy and support green energy.** Commercial development in Britain has been stymied by a lack of support for key growth industries; we propose to support them. Britain has the potential to be a clean energy superpower, cutting bills for local people and businesses alike – we will support this.

**10. Alongside reforms to planning policy, we are taking decisions to quickly reform the wider system in support of these objectives.** We are expanding the NSIP regime so that it can support our drive for more clean energy, as the first step of our NSIP reforms. We are reforming local plan intervention so that if plans are not in place, the Government can intervene to ensure housing delivery. We are reforming planning fees so that local planning authorities are properly resourced to support a sustained increase in development.

**11. We will act swiftly to implement these reforms to bring stability and certainty to the sector.** The last Government's reforms to planning policy in December 2023 were damaging for housing supply, disrupting plan-making and undermining investor confidence. We are therefore acting swiftly to reverse many of these changes, and implement our manifesto commitments, so that local councils, developers and investors understand exactly how we expect the planning system to function, over this parliament and beyond. Alongside the changes we have set out here, we will complete our set of planning policy changes through consulting on National Development Management Policies, and bring forward the Planning and Infrastructure Bill to accelerate the delivery of high quality infrastructure and housing.

**12. We expect immediate action.** We are keen to engage with all stakeholders to understand the impacts of these reforms. The Deputy Prime Minister will write to all local



## **A.2 APPENDIX 1**

planning authorities making clear that we expect universal coverage of local plans, and reviews of Green Belt boundaries where necessary to meet housing need. In this consultation, we have therefore set out exactly how local planning authorities should proceed to make ambitious local plans as quickly as possible.

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

1. We are starting with how we plan for homes, because that is where we believe the system needs to start, and that is where our communities are feeling the inadequacies of our planning system most. The Government believes that decisions about what to build and where should reflect local views, and planning should be about how to deliver the housing an area needs - not whether to do so at all.

2. **We are therefore seeking views on reversing changes made to the NPPF by the previous Government in December 2023.** Those changes run counter to this Government’s ambitions on increasing housing supply, so it is important that we quickly reverse them and allow local planning authorities to get on and plan for growth.

#### **Importance of planning to meet housing needs**

3. We are proposing minor wording changes to paragraphs 1 and 60 of the NPPF. The changes proposed are to remove ‘sufficient’ in the context of providing for housing in paragraph 1, and to revise the final sentence of paragraph 60. These changes would make clearer the importance of planning to meeting housing needs.

#### **Advisory starting point and alternative approaches**

4. Paragraph 61 was revised to set out that ‘The outcome of the standard method is an advisory starting-point for establishing a housing requirement’. Changes to the NPPF also provided further context on the exceptional circumstances where the use of alternative approaches to assess housing needs may be appropriate. **We propose reversing these changes.**

5. We propose making it very clear that local planning authorities should use the standard method to assess housing needs, by removing reference to the exceptional circumstances in which the use of alternative approaches to assess housing need may be appropriate. The current policy adds uncertainty about when to use the standard method and can delay plan progress as local planning authorities seek to demonstrate that exceptional circumstances apply. The current approach also provides too much leeway to local planning authorities to not meet their housing needs in full, risking our ambitions for housing growth. Removing these opt outs will stop debates about the right number of homes to plan for and support authorities to get on with plan making.

6. Local planning authorities will be expected to make all efforts to allocate land in line with their housing need as per the standard method. Authorities would be able to justify a lower housing requirement than the figure the method sets on the basis of local constraints on land and delivery, such as existing National Park, protected habitats and flood risk areas, but would (as now) have to evidence and justify their approach through local plan consultation and examination. All local planning authorities will need to demonstrate they have taken all possible steps, including optimising density, sharing need with neighbouring authorities, and reviewing Green Belt boundaries, before a lower housing requirement will be considered.

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7. There will be some specific circumstances in which local planning authorities have to use an alternative approach – for example, because the data used in the method is not available. We propose that further guidance on this small number of specific circumstances will be set out in Planning Practice Guidance.

### **Question 1**

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

**TDC Response: Tendring District Council understands the Government’s reasons for wanting to make housebuilding targets mandatory rather than advisory; but we object in the strongest terms to the way in which they are being proposed – in particular the substantial and unrealistic increase in the targets faced by many authorities resulting from the proposed changes to the standard method for calculating local housing need.**

**The Government’s proposed approach is a clear and unashamed ‘top-down’ imposition of housebuilding targets on local authorities without any recognition of the different circumstances and constraints affecting different areas and, as explained in our response to later questions, punishes authorities who have historically and recently made growth happen under extremely challenging conditions. There is no appreciation of the practical implications on communities, businesses, infrastructure and the environment within individual areas and this makes the requirements to demonstrate an ongoing five-year supply of deliverable housing sites all the more challenging, if not impossible.**

**Whilst mandatory targets might assist in the national imperative to boost the supply of housing and could help simplify the need for costly technical evidence or time-hungry arguments at examination for the use of different figures, the Government will need to own this change and recognise the fact that it will be local authority Councillors and Officers up and down the country that will face the backlash at a local level.**

**For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.**

### **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?

**TDC Response: As above, this Council understands why the Government wants to make housebuilding targets mandatory – but because there is no consideration whatsoever of local factors, housebuilding targets in some locations are going to be challenging if not impossible to achieve. Therefore, rather than removing reference to exceptional circumstances or alternative approaches from the NPPF entirely, this Council would**

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suggest that the NPPF contains more explanation and clarity about when exceptional circumstances might apply and when alternative approaches to calculating local housing need would and would not be appropriate.

For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.

### **Urban uplift**

8. Paragraph 62 was added to provide policy on the application of the standard method urban uplift. This sets out that the urban uplift should normally be accommodated within the cities and urban centres where the uplift applies, except in certain specific circumstances.

9. **We propose reversing this change and deleting this paragraph.** We support the principle of directing housing growth to our larger urban areas, but the existing approach provides a poor basis for this. First, the method we are consulting on (as set out in chapter 4) more appropriately distributes growth to a wider range of urban areas without the need for a specific urban adjustment. Second, as set out later in this chapter, we are clear that urban centres should be working together across their wider regions to accommodate need. Third, as also set out later in this chapter, we are not only strengthening the existing Duty to Cooperate requirement but proposing to introduce effective new mechanisms for cross-boundary strategic planning. This will include short term measures which will strengthen cross-boundary co-operation, ahead of introducing formal strategic planning mechanisms through new legislation. It is our intention to move to a model of universal strategic planning covering functional economic areas within the next five years.

### **Question 3**

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

**TDC Response: No, the urban uplift seeks to ensure that new housing is located where there is the greatest demand and where there is the greatest provision of infrastructure and services. By removing it entirely, rural or semi-rural areas will be required to accommodate a greater proportion of the national housing target, resulting in new housing in inappropriate locations away from jobs, services and infrastructure. Whilst rural and semi-rural authorities may have land, there are often physical, environmental or infrastructure constraints and viability issues in addressing those constraints.**

For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure

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including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.

### **Character and density**

10. Paragraph 130 was added to the NPPF to explain that local character can be taken into account when local planning authorities consider their ability to meet their housing needs. The policy sets out that significant uplifts in density may be inappropriate if this would result in development wholly out of character with the existing area. Local planning authorities are required to use authority-wide design codes to evidence the impact on character.

11. **We propose reversing this change and deleting paragraph 130 in its entirety.** We are clear that local planning authorities should identify opportunities for maximising the efficient use of land, especially in areas well served by transport and other infrastructure. By restricting density, the existing policy is likely to have longer term negative impacts on achieving sustainable patterns of development and on meeting expectations on future housing supply. Alongside this reversal, we propose **strengthening expectations that plans should promote an uplift in density in urban areas.**

12. We intend to support this by **focusing on ensuring development plans support the efficient use of land at appropriate densities.** Rather than district-wide design coding, we want to focus local planning authority efforts on the preparation of localised design codes, masterplans and guides for areas of most change and most potential – including regeneration sites, areas of intensification, urban extensions and the development of large new communities.

### **Question 4**

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

**TDC Response: This Council does not support the removal of paragraph 130 and would urge caution in requiring all areas to increase development density. While many areas – such as built-up areas or new settlements – can accommodate intensification and an uplift in density, rural parts of the countryside are a valuable asset and villages have unique characteristics that might require a sensitive approach to density, with lower density developments being more appropriate and characteristic. Local character should be protected through national planning policy and the imperative to deliver new homes on an unprecedented scale should not bring about its destruction. Sadly, the significant uplift in mandatory housebuilding targets for rural and semi-rural authorities like Tendring leaves little option but for most, if not all, towns and villages to be impacted by new development and higher densities will not be appropriate in all locations.**

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### **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?

**TDC Response: Yes, design codes should be used in a focussed and targeted fashion to achieve maximum effect. The Essex Design Guide is an example of an effective, strategic-level approach to planning guidance around design – which can be supplemented by site- or area-specific guidance or codes, rather than broad-brush, district wide approaches.**

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

13. It is our intention that changes to the approach to meeting housing needs, will, over time, ensure that plans identify enough land to deliver the homes our communities need. However, with less than a third of places with up-to-date plans, it is important that land that has not been allocated in a plan can be brought forward for development when needed, particularly in the short term.

14. The presumption, set out in paragraph 11 of the NPPF, allows for this. The primary function of the presumption is to provide a fallback to encourage planning permission to be granted where plan policies are not up-to-date, including where there is an insufficient supply of land. It broadly does this in two ways. It brings land into scope of potential development where it has not been specifically allocated for development (e.g. a site on the edge of existing settlements), or where land is allocated for another purpose (e.g. where housing may be proposed on a site allocated for employment uses). Additionally, it 'tilts the balance' towards approval by making clear that permission should be granted unless doing so would cut across protections for safeguarded areas, like National Parks and habitat sites, or the adverse impacts would 'significantly and demonstrably' outweigh the benefits when assessed against the NPPF taken as a whole.

15. Introducing more demanding targets and reinstating the requirement to demonstrate a 5-year housing land supply at all times is likely to bring more local planning authorities into the scope of the presumption in the short-term. This is necessary to ensure that we urgently address the issue of chronic undersupply of land that has underpinned the housing crisis and support our drive to deliver 1.5 million new homes over the next five years.

16. In addition to this, we are proposing to make changes to clarify the primary role that the presumption is intended to play in addressing inadequate land supply. Currently, the presumption is triggered when there are 'no relevant development plan policies', or those which are 'most important for determining the application are out-of-date'. The question of what policies are 'most important' has been the subject of extensive debate and litigation. To bring clarity, we propose making clear that the relevant policies are those for the supply of land.

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17. We have also heard concerns that some developers have used the presumption to promote low quality, unsustainable development. We are clear that the presumption cannot offer a route to creating poor quality places, and so we are proposing changes to the presumption to add explicit reference to the need to consider locational and design policies, as well as policies relating to the delivery of affordable housing, when the presumption is engaged. These safeguards will mean that schemes that rely on the presumption to secure approval will meet the high standards we expect of all development.

### **Question 6**

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

**TDC Response: This Council does not agree that the presumption in favour of sustainable development should be amended as proposed. Many communities within Tendring were forced to suffer the effects of unplanned, unwanted and speculative development during a period of time in which the Council was unable to demonstrate a 5-year housing land supply and was only able to afford its emerging Local Plan limited weight in the determination of planning applications until adoption, following a lengthy period of examination. During that period, the ‘tilted balance’ to the presumption in favour of sustainable development applied and the Council had to witness first-hand the harm that ‘planning by appeal’ can cause to the character of communities, the provision of infrastructure and public confidence in the local authority and the planning system. Not only does this water down local, democratic decision making and lead to poor planning, it also has a significant impact on Council resources which are diverted to fighting costly and time-consuming appeals rather than working to deliver good, planned, sustainable development.**

**Increasing the supply of land for housing is important and this Council understands its duties as a Local Planning Authority, but allowing land to obtain planning permission in a piecemeal and uncoordinated manner does not support the delivery of appropriate and comprehensive infrastructure nor promote good place-making and a plan-led system.**

**Local authorities can identify land through their Local Plans, but they cannot necessarily force developers to build – the rate of delivery can be impacted by various market, commercial and other factors beyond a Council’s control. The proposed significant increase in housebuilding targets being imposed upon local authorities in a top-down mandatory manner, with little consideration of local factors, will place many areas in a position where maintaining and demonstrating an ongoing five-year supply of deliverable housing land is neither practical nor achievable.**

**These local authorities, who become subject to the ‘tilted balance’, will experience a significant amount of speculative development and planning by appeal – with no guarantee that the land that obtains permission on a speculative basis will actually lead to delivery of new homes on the ground. Authorities that have worked hard to put Local Plans in place, and begun work to review them within five years, will be in no better position than authorities who have not adopted a Local Plan in many years.**

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**As an alternative, authorities should not have to be the subject of the tilted balance where they have an up-to-date Local Plan of less than five years old – to allow for stability, certainty and proper coordinated planning. There should be a proper period of transition, for Local Planning Authorities to put in place Local Plans to meet the Government’s new housing requirement in order to promote good planning and discourage speculative developers who seek to extract maximum value from land without delivering appropriate benefits to existing and future communities.**

**Additionally, further protection from the tilted balance should be afforded to councils that are working constructively and strategically with neighbouring authorities to make growth happen in a coordinated way, aligning infrastructure provision and economic growth objectives. Mechanisms should be in place to support councils in accelerating growth, rather than punishing them for under-delivery in the short-term.**

**Under the current proposals, many authorities will find themselves facing a ‘cliff-edge’ when their adopted Local Plans become out of date and the housing need against which the five-year supply is calculated will increase significantly. Not enough information is provided on the proposed ‘safeguards’ that seek to ensure unplanned (and in many cases unwanted) development will meet high standards.**

**For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.**

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

18. Prior to December 2023, the 5-year housing land supply required local planning authorities to annually identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing. This was tested against the housing requirement in their local plan or, where no up-to-date plan was in place, local housing need. Where local planning authorities could not demonstrate a 5-year housing land supply, they were subject to the presumption in favour of sustainable development, described above. The policy helped ensure that authorities maintained a future pipeline of housing.

19. In December 2023, several changes were made to 5-year housing land supply policy which weakened this as the fallback route to encourage planning permission to be granted where plan policies are not up-to-date. The NPPF currently states that where a local planning authority has an up-to-date plan which meets certain criteria, it is exempt from having to continually demonstrate a 5-year housing land supply while that plan remains up-to-date. Where authorities are in the late stages of plan making, they need only demonstrate a 4-year housing land supply. We have heard concerns that these policies are undermining supply. The logic for making these changes was incentivising plan development – to ‘protect’ authorities from the presumption where they have a well-developed or up-to-date plan. But this means that if circumstances change over the 5-year lifetime of an up-to-



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date plan, and allocations turn out not to be deliverable, it is harder for new development to come forward and there is no clear mechanism for making up the shortfall.

20. To address this, **we propose reversing these changes** and re-establishing the requirement for all local planning authorities, regardless of local plan status, to continually demonstrate 5 years of specific, deliverable sites for housing. We are also proposing to remove the wording on past oversupply in paragraph 77, which was introduced to set out that previous over-supply could be set against upcoming supply. Given the chronic need for housing we see in all areas, we should celebrate strong delivery records without diluting future ambitions.

21. These changes will be pro-supply measures, ensuring a pipeline of deliverable sites is maintained at all times.

### **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?

**TDC Response: This Council believes in a plan-led system for the purposes of proper planning, coordination of infrastructure requirements, stability and certainty. It therefore believes that Councils should not be punished through the cost, uncertainty and other associated problems that come with speculative, unplanned and unwanted developments whilst an up-to-date Local Plan of less than five years old is in place. Where Local Plans are out of date and new housing and other national policy requirements are put in place, the Council accepts the reasons why it should then be necessary to demonstrate a 5-year supply of specific, deliverable sites for decision making purposes.**

**Tendring and other authorities across the country have been doing the work necessary to keep their Local Plans up to date and in-step with national policy. However, due to the delays to the programme of reviewing our Local Plan caused by the General Election and subsequent reform of the NPPF, Councils are being caught out by the proposed changes and we would therefore request that transitional arrangements must be put in place, whereby their adopted housing figure can continue to be used for demonstrating a 5-year supply at least while their emerging Local Plan progresses through examination. This would prevent a 'cliff-edge' situation where, despite sufficient land being brought forward through the Plan-making process to meet housing requirements, speculative development is allowed in the meantime.**

**Such a system gives no certainty to communities nor developers – which is part of the whole purpose of having a plan-led approach.**

**For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.**

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### **Question 8**

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

**TDC Response: The wording in paragraph 77 does not, in and of itself, allow past oversupply to be set against upcoming supply – but rather provides a hook for any such provisions in the Planning Practice Guidance. As such, removing this wording from the NPPF is not required – as the desired approach can be achieved through amending planning guidance instead.**

**However, as a point of principle this Council believes it is wrong that over-supply from previous years cannot be factored into future growth trajectories and housing supply calculations. Whilst it is clear that the Government wants Councils to celebrate past delivery without diluting future ambitions, there is no consideration whatsoever of the local factors that may have led to historic or anomalous over-supply and whether it is reasonable to expect an authority to maintain high levels of delivery when actual delivery is driven by the market and many factors that are beyond a Council's control.**

**For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.**

### **Restoring the 5% buffer**

22. The Framework currently requires local planning authorities to include a buffer of 20% on top of their 5-year housing land supply where there has been significant under delivery of housing over the previous 3 years, as measured through the Housing Delivery Test. Prior to December 2023, authorities were also required to include a buffer of 5% on top of their 5-year housing land supply, in order to account for fluctuations, or 10% where the authority wanted to confirm its 5-year housing land supply for a year through an Annual Position Statement or recently adopted plan.

23. **We propose reversing this change and reintroducing the 5% buffer.** This will be added to all 5-year housing land supply calculations in decision making and plan making, and provide an important buffer of sites, ensuring choice and competition in the market. We also are proposing to remove the option for local planning authorities to 'fix' their 5-year housing land supply through Annual Position Statements which is a policy that has been little used. We consider that any authority with sufficient evidence to confirm its forward supply through this process should in any case be able to demonstrate a 5-year housing land supply. The 20% buffer would also remain. As it is now, this will only be applied where an

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authority significantly under delivers against their housing requirement as measured through the HDT or local housing need where relevant.

### **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?

**TDC Response: The 5% buffer is nothing new and Councils have needed to factor an element of contingency into its housing supply calculations for many years. However, when targets are set at what is already considered to be an unachievable level, a 5% buffer on top of an already undeliverable target is a pointless addition that, if anything, will only magnify how unrealistic the targets are – plunging many authorities, like Tendring, into a position where they cannot manage, effectively, the pattern of growth in their area and are left to the mercy of speculative planning applications and planning by appeal. Not only does this water down local, democratic decision making and lead to poor planning, it also has a significant impact on Council resources which are diverted to fighting costly and time-consuming appeals rather than working to deliver good, planned, sustainable development.**

**While the Council understands the reasons behind including a buffer in the calculation, it would seem more relevant where the housing requirement reflects what the market is currently able to deliver in a particular area. With such high housing targets set out elsewhere in this consultation, an additional buffer seems excessive and will leave many authorities unable to demonstrate a five-year supply, despite working in good faith to make enough land available through their Local Plans.**

**For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.**

### **Question 10**

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

**TDC Response: If a buffer is imposed, it should be smaller than 5% - given the unprecedented increase of housing targets proposed in this consultation.**

### **Question 11**

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

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**TDC Response: This is a process that the Council has not used in the past and therefore takes no view on.**

### **Maintaining effective co-operation and the move to strategic planning**

24. The Levelling-up and Regeneration Act 2023 will revoke the Duty to Cooperate in relation to the reformed plan making system. However, the Duty remains a legal requirement under the current local plans system and will continue to apply to local plans progressed within the current system.

25. The Government was clear in its manifesto that housing need in England cannot be met without planning for growth on a larger than local scale, and that it will be necessary to introduce effective new mechanisms for cross-boundary strategic planning. This will play a vital role in delivering sustainable growth and addressing key spatial issues – including meeting housing needs, delivering strategic infrastructure, growing the economy, and improving climate resilience. Strategic planning will also be important in the delivery of Local Growth Plans and Local Nature Recovery Strategies.

26. We will therefore take the steps necessary to enable universal coverage of strategic planning within this Parliament, which we will formalise in legislation. This model will support elected Mayors in overseeing the development and agreement of Spatial Development Strategies (SDSs) for their areas. The Government will also explore the most effective arrangements for developing SDSs outside of mayoral areas, in order that we can achieve universal coverage in England, recognising that we will need to consider both the appropriate geographies to use to cover functional economic areas, and the right democratic mechanisms for securing agreement. Across all areas, these arrangements will encourage partnership working but we are determined to ensure that, whatever the circumstances, SDSs can be concluded and adopted. The Government will work with local leaders and the wider sector to consult on, develop and test these arrangements in the months ahead before legislation is introduced, including consideration of the capacity and capabilities needed such as geospatial data and digital tools.

27. We also want to ensure that in the short term we are making the most of opportunities for greater collaboration between authorities, so we propose amending **the ‘maintaining effective co-operation’ section of the NPPF to ensure that the right engagement is occurring on the sharing of unmet housing need and other strategic issues where plans are being progressed**. This will apply to local plans, minerals, waste plans and to spatial development strategies, and would be introduced in changes to paragraphs 24-27 of the existing NPPF. This change will apply in conjunction with the Duty to Cooperate in the current plan making system.

28. In addition, separate from the NPPF, we will work in concert with Mayoral Combined Authorities to explore extending existing powers to develop an SDS, which will not rely on new primary legislation, and so allow us to get a head start. We intend to identify priority groupings of other authorities where strategic planning – and in particular the sharing of housing need requirements – would provide particular benefits, setting a clear expectation

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of cooperation that we will help to structure and support this, and to use powers of intervention where necessary.

### **Question 12**

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

**TDC Response: Tendring District Council has a successful track record of co-operating with neighbouring authorities on strategic planning matters, having prepared and adopted a shared strategic Local Plan in North Essex with Colchester City Council and Braintree District Council. TDC also has a very close and effective working relationship with Essex County Council, with collaborative approaches taken to regeneration, health and wellbeing, transport, and planning projects. Effective co-operation is crucial for delivering the best results for our communities. However, increasing the emphasis on meeting other authorities' unmet housing need, particularly in light of such a dramatic increase in housing targets across the country, will likely have the unintended consequence of delaying Local Plan production.**

**This Council would support any proposals that seek to strengthen cooperation on strategic issues, but which do not erode local decision making by democratically elected Councillors on planning matters, including the content of Local Plans.**

**Additionally, protection from the tilted balance should be afforded to Councils that are working constructively and strategically with neighbouring authorities to make growth happen in a coordinated manner, aligning infrastructure provision and economic growth objectives. Mechanisms should be in place to support Councils in accelerating growth, rather than punishing them for under-delivery in the short-term.**

**For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.**

29. Over recent years there have been concerns that plans containing strategic scale proposals and associated infrastructure can require implementation over a long period, making it more difficult to provide evidence of deliverability and viability. We want the planning system to enable such long term and ambitious planning, while recognising that such plans need to be grounded and realistic. We do not have a firm proposal to address this point, so instead ask the following open question.

### **Question 13**

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

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**TDC Response: The Council would support proposals which encourage and facilitate the delivery of strategic scale plans, particularly where they cross administrative boundaries. In many ways, Tendring, Colchester and Braintree were pioneers in preparing a strategic cross-border Local Plan containing proposals for strategic-scale Garden Communities – but the examination process was long and drawn-out and resulted in two of three Garden Community proposals being struck out of the Plan.**

**If the tests of soundness could be revisited to ensure the examination process properly recognises the role of strategic-scale plans and proposals, it could assist authorities like those in North Essex that have the vision to plan for the longer-term in a coordinated and ambitious manner.**

**For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.**

### **Question 14**

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

**TDC Response: Tendring District Council reiterates its concern about the cliff-edge facing many local authorities when relevant strategic policies in their Local Plans reach five years from adoption and become out of date. Many, like this Council, have been working proactively to identify land to meet the need identified by the current standard method – and will continue to have to work to plan for the housing requirement proposed under the new standard method calculation if it is introduced as proposed. However, transitional protections need to be put in place in order to avoid speculative development and planning by appeal in the short-term as authorities adjust to significant increases in housebuilding targets, which will support properly planned schemes that provide coherent services and infrastructure.**

**The proposed policy changes are unlikely, on their own, to enable the Government to achieve its goal of delivering 1.5m new homes in 5 years. Allocating land for housing or granting permission to speculative applications (through appeal or otherwise) does not guarantee that new homes will be built – as developers will only deliver sites at a rate that is profitable. More comprehensive interventions, aimed at transforming the housing market, will be required to achieve a step change in housing delivery.**

**For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.**

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

**Alongside reversing the previous Government’s changes to the NPPF, including to restore the standard method for assessing housing needs as mandatory, we are proposing a new standard method.** A revised method will support this Government’s ambition to deliver 1.5 million homes over the next five years, underpin growth in all corners of the country, and provide greater certainty to the key stakeholders involved in planning for housing – including local planning authorities, communities, developers, and landowners.

#### **The current standard method for assessing local housing need**

1. The current standard method (first introduced in 2018) identifies the minimum number of homes that a local planning authority should plan for in its area. The NPPF makes clear that the outcome of the standard method should inform the preparation of local plans and establishing a housing requirement for the area.

2. The current method comprises a baseline of household projections (produced by the Office for National Statistics) which are then adjusted to take account of affordability. In some circumstances that figure is then capped to limit the increase, and finally an urban uplift (35%) is applied to our 20 most populous urban local planning authorities. It is designed to sum to 300,000 at a national level.

3. The use of household projections in the current standard method has attracted criticism from across the sector. Household projections are volatile, and subject to change every few years, making it difficult for local planning authorities to plan for housing over their Plan periods (10-15 years). To guard against regular shifts, the previous government opted to lock in 2014-projections, rather than updating the formula to incorporate more recent updates. This means the dataset is now ten years old and is no longer fit for purpose in reflecting current housing needs. By projecting forward past trends, household projections have also resulted in artificially low projections in some places, particularly where overcrowding and concealed households have suppressed household formation, which generally happens in the least affordable parts of the country.

**4. We are therefore proposing a revised standard method which aligns more closely with the Government’s aspirations for the housing market.** This new method will provide stability and certainty for all stakeholders, seek to address the issues with the current approach, and support a more ambitious house building strategy.

#### **The Government’s proposed approach**

5. Our new approach is based on four principles for reform. The new method must:

a. support the Government’s **ambition** to deliver 1.5 million new homes over the next five years;

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b. provide greater **certainty** to the sector through more stable and predictable housing numbers;

c. achieve a more balanced **distribution** of homes across the country, by directing homes to where they are most needed and least affordable, and ensure that all areas contribute to meeting the country's housing needs, rather than radically undershooting local ambition in some areas of the country; and

d. be **straightforward** to understand and apply – so that the method can be easily replicated, be updated in line with the most recent publicly available data, and speed up plan making.

6. That standard method will result in a local planning authority-wide number, on which basis the authority must then plan. The local area will then decide how and where in their authority that need is best met in accordance with national policy, engaging with local communities. The standard method provides the basis for plan making, not the final housing requirement – and we are absolutely clear that authorities may justify planning for a lower number only where they can evidence hard constraints to the Planning Inspectorate

**7. We therefore propose a new standard method that:**

a. uses a **baseline set at a percentage of existing housing stock levels**, designed to provide a stable baseline that drives a level of delivery proportionate to the existing size of settlements, rebalancing the national distribution to better reflect the growth ambitions across the Midlands and North;

b. tops up this baseline by focusing on those areas that are facing the greatest affordability pressures, using a **stronger affordability multiplier** to increase this baseline in proportion to price pressures; and

c. **removes arbitrary caps and additions** so that the approach is driven by an objective assessment of need.

### **Setting a new headline target**

8. We will not deliver our target of 1.5 million homes if too little land is allocated. It is clear that the current level of ambition is too low: our analysis suggests that housing requirements in adopted plans only add up to approximately 230,000 homes per annum<sup>1</sup> and the latest OBR forecast indicates that this year the number of net additions will fall below 200,000 homes<sup>2</sup>.

9. We are starting from a point that falls far short of the homes that are needed so we need to act decisively if we are to ramp up new supply. We are therefore boosting the overall

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<sup>1</sup> Based on the sum of the annual average housing requirement across the entire plan duration, in the most recently adopted plan for each authority, including joint plans. Calculated using data provided to MHCLG from the Planning Inspectorate and local planning authorities.

<sup>2</sup> From the March 2024 OBR forecast which is published at UK level. If the proportion delivered in England remains the same as in recent years this would imply less than 200k new homes in England in 2024-25.



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target to a level that provides resilience, building capacity into the system to catch up. However, while we are clear that local planning authorities must use the output of the new standard method as their starting point for determining their housing requirement and must make all efforts to allocate land in line with it, there will be some places where it is not possible to meet that need, despite taking all possible steps, including optimising density, sharing need with neighbouring authorities, and reviewing Green Belt boundaries. Given that, we must build room into the formula, to account for the fact that we will not see a one-to-one relationship between targets and allocations.

### **Step 1 – Setting the baseline – providing stability and certainty through housing stock**

10. Housing stock is more stable and predictable than household projections and does not vary significantly over time. Using stock will ensure that all areas, as a minimum, are contributing a share of the national total, proportionate to the size of their current housing market. Basing the approach on stock also helps to reinforce development in existing urban areas, thereby ensuring that new homes can maximise existing infrastructure such as public transport, schools, medical facilities and shops.

11. We propose 0.8% of existing housing stock in each local planning authority as the baseline starting point. The most robust data source of stock levels is the annually published **Dwelling stock estimates by local authority districts<sup>3</sup> and the most recent data published at the time should be used**. On average, housing stock has grown nationally by 0.89% per year over the last 10 years. Using a figure of 0.8% therefore provides a level of increase in all areas that is consistent with average housing growth over time, a baseline which banks the average status quo level of delivery, to then be built on through affordability-focused uplifts.

#### **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?

**TDC Response: Whilst the Council can understand why the Government might want to move away from the use of the outdated 2014 based household projections as a baseline for calculating local housing needs, the use of housing stock to establish a baseline brings a different set of significant problems. Those authorities which have been delivering strong housing growth in recent years – often at the upper-limit of what is sensible within the constraints of infrastructure provision, realistic market demand, land availability and sometimes in excess of their adopted Local Plan housebuilding targets – are now potentially faced with a significant and unrealistic increase in growth expectations. Combined with the prospect that, compared to their adopted housing requirements,**

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<sup>3</sup> [Dwelling stock \(including vacants\) - GOV.UK](#)

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**Councils will not be able to factor over-delivery into their future plans – they will face unrealistic housing requirements that have been artificially inflated by historic delivery.**

**For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.**

### **Step 2 – Adjusting for affordability**

12. High and rapidly increasing house prices indicate an imbalance between the supply of and demand for new homes, making homes less affordable. The worsening affordability of homes is the best evidence that supply is failing to keep up with demand.

13. The current method incorporates an adjustment for housing affordability, and we are proposing the new method continues to use affordability to adjust the stock baseline. This will be similar to the current approach, using **workplace-based median house price to median earnings ratio**<sup>4</sup>, but with two specific changes.

14. First, we propose **increasing the significance of affordability** by revising the affordability adjustment. This would mean that the baseline stock figure is adjusted upwards in areas where house prices are more than four times higher than earnings: for every 1% above that 4:1 ratio, **the multiplier increases to 0.6%** (the current method multiplier is 0.25%). This will increase the importance of housing affordability in assessing needs which will help direct more homes to where they are most needed. Second, it is proposed that **average affordability over the three most recent years for which data is available** will be used. Using an average, rather than just the most recent datapoint, will help smooth out changes in affordability and will provide further stability and certainty in inputs and outputs of the method.

15. The proposed affordability adjustment is as follows:

$$\text{Adjustment Factor} = \frac{(\text{Three year average affordability ratio}) - 4}{4} \times 0.6$$

#### **Accessible text version**

Adjustment Factor = ((Three year average affordability ratio)-4)/4×0.6

16. The workplace-based median house price to median earnings ratio is a nationally recognised and robust publicly available national statistic. It reflects the relationship between local house prices and earnings and is relatively stable over time. We have also considered how evidence on rental costs can be taken account of through the model.

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<sup>4</sup> [House price to workplace-based earnings ratio - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

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Although we have not proposed incorporating this into the model, we would welcome views on the appropriateness and feasibility of reflecting rental affordability alongside house price affordability in the model.

17. Unlike the previous method, **the new standard method does not have a cap applied to limit the level of increase for individual authorities**. Under the current method, numbers are capped at 40% above either the previous local plan figure or the projection-derived baseline. To significantly boost the supply of homes and address the past undersupply as quickly as possible, a significant change of approach is needed. An artificial cap of the levels of housing need does not align with these ambitions. In no longer applying a cap, the resultant housing need is the level of need that authorities should be planning to release land for, according to their specific circumstances.

18. **Removing the urban uplift**. This adjustment to the method was added in 2020, to increase the need figures for local planning authorities with areas which contain the largest proportion of population of one of the top 20 major towns and cities. There are two key issues with this. First, with the exception of London, the uplift is applied only to the local planning authorities in each city with the largest population; for example, in Manchester the uplift is only applied to Manchester City Council and not the whole urban area of Manchester. This is at odds with the ways that cities work: urban cores do not function in isolation from their hinterlands, but instead work as broader housing and employment markets, and that will increasingly be the case, as we extend further powers to city leaders and introduce formal strategic planning powers, as set out above. Second, focusing on a top 20 introduces an arbitrary cut off, with towns and cities important to our future growth, like Oxford and Cambridge, not on the list. For these reasons, we have developed a formula designed to raise ambition across a much longer list of urban authorities.

Proposed method formula:

$$LHN_t = Dwelling\ stock_{t-1} \times 0.8\% \times (1 + Adjustment\ Factor)$$
$$Adjustment\ Factor = \frac{(Three\ year\ average\ affordability\ ratio) - 4}{4} \times 0.6$$

### **Accessible text version**

$$LHN_t = Dwelling\ stock_{(t-1)} \times 0.8\% \times (1 + Adjustment\ Factor)$$

$$Adjustment\ Factor = ((Three\ year\ average\ affordability\ ratio) - 4) / 4 \times 0.6$$

### **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?

**TDC Response: The Council has no comment on this approach.**

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### **Question 17**

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

**TDC Response: The consultation document suggests that affordability is simply a matter of supply, which is demonstrably not the case in districts like Tendring. Other factors, such as quality of rail connections to London, play a significant role in house prices – and Manningtree is an example of a town which has experienced significant housing growth in recent years but where house prices remain high. Addressing these other issues that affect affordability of homes (such as greater public investment in public transport where this is lacking) is more important than increasing supply to address affordability. Likewise, affordability varies significantly across the Tendring district, and a more nuanced approach to establishing housing need is called for.**

### **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?

**TDC Response: As above, rental affordability is not simply to do with supply of homes – but many other factors that should be addressed by a more comprehensive approach through national policy and legislation.**

## **Result of the revised standard method**

**19. The new formula drives a distribution that matches up to our ambition for all parts of the country.**

**a. An ambitious but credible target for London:** the existing formula loads a third of all national need in London, with a target of nearly 100,000 homes per annum. This is nearly three times the existing level of delivery. While we must significantly ramp up numbers in the capital, setting a target that is removed from reality just shifts numbers away from areas where they can be delivered.

**b. Supporting growth across the rest of the country:** the new formula increases targets across all other regions relative to the existing standard method. Currently, large parts of the north and midlands are set targets well below their existing delivery levels: in 37 local planning authorities housing delivery is at least double their targets. This does not make sense in a world where all but one local planning authority area has a house price to earnings ratio of more than four, putting a mortgage out of reach for the average earner. The new approach corrects this, increasing ambition across the board.

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c. **Maximising delivery in urban areas:** the new formula increases targets by more than 30% across our Mayoral Combined Authorities, relative to the existing standard method. This better aligns with the ambition of our local leaders, and<sup>5</sup> will maximise agglomeration benefits by increasing the contribution new housing makes to economic growth. This approach will also make the most of our transport hubs, support the objectives of brownfield-first and gently densifying urban areas, including building upwards where appropriate.

We will publish the outcome of the revised method on GOV.UK.

### **Question 19**

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

**TDC Response: Tendring District Council objects, in the strongest terms, to the proposed removal of the sensible and necessary 40% cap as part of the standard method calculation. For authorities such as Tendring, whose annual housing requirement will increase from 550dpa to 1,043 dpa (almost double) it is simply unrealistic to expect enough proposed developments to have progressed through the planning process to meet this target. Such a sharp increase in housebuilding target from one Local Plan review to another is totally unmanageable and without proper transitional arrangements will plunge authorities into an uncertain period of speculative development proposals and planning by appeal – notwithstanding any progress on their Local Plans. Moreover, having to fight costly and time-consuming appeals will divert already stretched Council resources away from preparing Local Plans, further delaying progress on achieving universal Local Plan coverage.**

**Tendring District Council faces a ‘cliff-edge’ scenario, where on 26<sup>th</sup> January 2026 the Council will be able to comfortably demonstrate a five-year supply and on 27<sup>th</sup> January 2026 (when the adopted Local Plan becomes out of date and a Local Plan delayed by the Government’s proposed changes is still under preparation) will fall significantly short. This will lead to a situation of ‘planning by appeal’ and will inevitably leave the Council unable to manage, effectively, the pattern of growth in the district and will lead to poor quality developments that do not provide the comprehensive infrastructure required by such levels of growth.**

**This consultation acknowledges the importance of having a Local Plan in place to protect communities from poor quality development, and to ensure new homes are built in the right places and with the right services, facilities and infrastructure. This Council has been preparing its Local Plan update in good faith under the current planning system, and through no fault of its own will no longer be able to have adopted the new Local Plan by the fifth anniversary of the existing Plan.**

**Factoring in a cap as part of the calculation prevents the cliff edge situation outlined above and allows for a considered and well-planned approach to such a step-change in**

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<sup>5</sup> [Bramley G. HOUSING REQUIREMENTS IN ENGLAND REVISITED.pdf \(hw.ac.uk\)](#)

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housing delivery, which would facilitate good place-making and the effective delivery of coherent and comprehensive infrastructure.

For Councils to be able to deliver the high numbers proposed, there will need to be significant support from central government to forward fund key pieces of infrastructure including transport, utilities, schools and health and/or subsidising the delivery of affordable and social housing.

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

1. We have been clear that development must look to brownfield first, prioritising the development of previously used land wherever possible. To support this, we will make the targeted changes set out below, including making clear that **the default answer to brownfield development should be “yes”, as the first step on the way to delivering brownfield passports.**

2. But brownfield development alone will not be enough to meet our housing need. **To deliver the homes and commercial development this country needs, we are proposing the targeted release of grey belt land.** This government recognises the important role the Green Belt plays in preventing urban sprawl and remains committed to its continued protection - but we must review the post-war Green Belt policy to make sure it better meets the needs of present and future generations. Without altering the general extent or purpose of the Green Belt, our proposed changes will support local planning authorities facing acute housing and development pressures to meet their needs, while securing environmental improvements, affordable housing and other infrastructure upgrades communities care about.

3. Instead of the haphazard release we see under the status quo, release will be strategic and underpinned by clear safeguards. We propose to make changes to the NPPF to make clear that, where a local planning authority is unable to meet housing, commercial or other needs after fully considering all opportunities to make effective and efficient use of brownfield and wider opportunities, it should undertake a Green Belt review. This review should look to release poor quality grey belt land from the Green Belt through both plan-making and decision-making to meet local needs. This release will be subject to the sustainable development principles that underpin national planning policy, and to clear ‘golden rules’ as set out later in this chapter.

4. The Green Belt serves a specific planning purpose, in terms of preserving openness and preventing sprawl, but is not an environmental designation or a marker of any environmental importance. Much of it is inaccessible to the public and of poor ecological status. We want our proposal to not simply offset the loss of Green Belt land, but to bring about positive improvements for the quality and enjoyment of the environment. We propose a two-stage process for doing this. First, land that is safeguarded by existing environmental designations, for example National Parks, National Landscapes and Sites of Special Scientific Interest, will maintain its current protections. Second, any development on land released from the Green Belt must bring benefits, via not only mandatory Biodiversity Net Gain, but also through new rules that will secure improved access to good quality greenspace.

#### **Being clear that brownfield development is acceptable in principle**

5. We have been clear that brownfield land must be the first port of call. We want to make clear that the principle of development should not be in question on brownfield land, and so we are consulting on an amendment to paragraph 124c out of the current NPPF, reinforcing the expectation that development proposals on previously developed land are viewed

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positively. This makes clear that the default answer to brownfield development should be yes.

### **Question 20**

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

**TDC Response: In urban areas, such proposals are supported. However, the Council would urge careful consideration of blanket support to brownfield land development which, in more rural areas, may be located in locations not suitable for new residential development (due to lack of sustainable transport options, services, facilities or infrastructure).**

### **Making it easier to develop Previously Developed Land**

6. The first step when reviewing Green Belt land should be Previously Developed Land (PDL): it makes no sense to provide special protections for sites that have, for example, housed petrol stations or carparks. For that reason, we propose that we relax the restrictions that are currently applied to PDL and limited infilling in the Green Belt in paragraph 154g of the current NPPF, to make clear that development is 'not inappropriate' where it would not cause substantial harm to the openness of the Green Belt. The requirements of our golden rules, set out later in this chapter, are intended to apply to release of PDL.

7. We are also interested in whether it would be beneficial to expand the definition of PDL in the NPPF to include hardstanding and glasshouses. We want to understand how expanding this definition might affect the availability of horticultural land, so would welcome views on how to ensure that there remains sufficient incentive for the development and maintenance of glasshouses for horticultural production.

### **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?

**TDC Response: Tendring District Council does not have any land designated as Green Belt within its administrative boundary and offers no comment on the proposed change.**



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### **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?

**TDC Response: As well as incentivising the closure of glasshouses and the reduction of horticulture, such proposals would also encourage housing development in inappropriate locations. These sites are often not associated with existing settlements, and any new development there would require comprehensive masterplanning to ensure adequate facilities, services, infrastructure and transport provision were made available.**

### **Defining the grey belt**

8. As set out above, we must look to a wider set of low-performing sites where this is necessary. We propose defining grey belt land as Green Belt land which makes a limited contribution to the Green Belt's purposes, as set out in paragraph 143 of the current NPPF. To maintain existing environmental protections, we propose excluding land of environmental value from the definition, or assets of particular importance, as set out in footnote 7 of the NPPF. We are interested in whether additional exclusions are necessary, such as areas identified in draft or published Local Nature Recovery Strategies, that could become of particular importance for biodiversity.

9. To support **a consistent and transparent approach to identifying land, we propose inserting a new definition of grey belt land into the glossary of the NPPF**. This will provide criteria for assessing whether land makes a limited contribution to the Green Belt purposes. This definition will read as follows:

**Grey belt:** For the purposes of Plan-making and decision-making, grey belt is defined as land in the Green Belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes (as defined in para 140 of this Framework) but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).

10. We are interested in whether further support is needed to assist authorities in judging whether land makes a limited contribution to the Green Belt purposes. We propose incorporating the following into the glossary appended to the NPPF but welcome views on the most effective way of providing this guidance: Land which makes a limited contribution to the Green Belt purposes will:

- a) Not strongly perform against any Green Belt purpose; and
- b) Have at least one of the following features:
  - i. Land containing substantial built development or which is fully enclosed by built form
  - ii. Land which makes no or very little contribution to preventing neighbouring towns from merging into one another
  - iii. Land which is dominated by urban land uses, including physical developments

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iv. Land which contributes little to preserving the setting and special character of historic towns

11. We have chosen to avoid prescribing specific and quantifiable measures of terms such as “substantial built development” at this point. However, we are interested in whether respondents believe more specific criteria or further guidance are needed.

12. We want this approach to protect land which makes a strong contribution to any Green Belt purposes, while allowing authorities to consider a range of Green Belt land based on its merits for potential development.

13. We want to ensure that our definition of grey belt land acts to accurately identify land with a high sustainable development potential, while also avoiding providing incentives to allow the degradation of existing Green Belt Land. We believe that defining the grey belt in terms of its contribution to the purposes should help to prevent this, but we are interested in whether additional protections or requirements are necessary.

14. We do not want our proposals to undermine existing protections for best and most versatile agricultural land. Our proposals do not remove the requirement for planning policies and decisions to recognise the benefits of the best and most versatile agricultural land, and, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred.

15. We are clear that sustainability remains an overarching objective and that development in the grey belt should meet the expectations set out in the NPPF, around effective use of land and access to transport.

### **Question 23**

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

**N/A**

### **Question 24**

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

**N/A**

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### **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?

N/A

### **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?

N/A

### **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?

N/A

## **Land release through plan-making**

### **Green Belt reviews**

16. Under the existing NPPF, there is no requirement for local planning authorities to review Green Belt where they fall short of housing need. Instead, local planning authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully justified. We propose correcting that, to **require local planning authorities to undertake a review where an authority cannot meet its identified housing, commercial or other need without altering Green Belt boundaries.**

### **A sequential approach**

17. We remain clear that brownfield sites should be prioritised, and our proposed changes to developing PDL in the Green Belt (outlined above) reinforce this commitment. **To support release in the right places, we propose a sequential test to guide release.** This will ask authorities to give first consideration to PDL within in the Green Belt, before moving on to

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other grey belt sites, and finally to higher performing Green Belt sites where these can be made sustainable. As set out above, land that is safeguarded by existing environmental designations, for example National Parks, National Landscapes and Sites of Special Scientific Interest, will maintain its protections.

18. The aim of this approach is to ensure that low quality Green Belt is identified first, while not restricting development of specific opportunities which could be made more sustainable (for example, on land around train stations). This is in recognition that not all PDL or 'Grey Belt' will be in the most suitable or sustainable location for development. As such, it is right that local planning authorities are empowered to make decisions that best support the development needs and sustainability objectives of their area through the plan-making process. There is clear expectation that local planning authorities should seek to meet their development needs in full. However, we remain clear that the release of land should **not be supported where doing so would fundamentally undermine the function of the Green Belt across the area of the plan as a whole**. We propose changes to paragraph 147 of the NPPF to achieve this approach.

### **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?

N/A

### **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?

N/A

## **Allowing Development on the Green Belt through Decision Making**

19. To ensure that in the short term we are best supporting the delivery of housing need, in advance of local planning authorities getting updated Local Plans in place and Green Belt reviews underway, we also propose changes that support the release of Green Belt land outside the plan making process. We propose to insert a new paragraph in the NPPF which will make clear that, in instances where a local planning authority cannot demonstrate a 5-year housing land supply or is delivering less than 75% against the Housing Delivery Test, or where there is unmet commercial or other need, **development on the Green Belt will not**

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**be considered inappropriate** when it is on sustainable ‘grey belt’ land, where golden rules for major development are satisfied, and where development would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole.

20. Our proposal limits release via this route to grey belt, including PDL — reaffirming our commitment to a plan-led system by maintaining restrictions on the release of wider Green Belt land. It would, as now, be possible for other Green Belt land to be released outside the plan-making process where ‘very special circumstances’ exist, but such cases would remain exceptional.

### **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?

**N/A**

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

21. In recognition of the important role commercial and other types of development play in supporting wider social and economic objectives, we propose supporting the release of Green Belt land to meet other development needs (alongside residential development) through both plan-making and decision-making routes. We have provided draft text illustrating how local planning authorities should consider the need for commercial and other development sites, making clear that golden rules should apply, but we welcome views on how to deliver the underlying objective of securing clear public benefits for non-housing 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?

**N/A**

### **Planning Policy for Traveller Sites**

22. We intend our proposals to support the release of Green Belt Land to address unmet needs for traveller sites. We are therefore seeking views on how the proposals under the NPPF would apply to traveller sites, particularly concerning the sequential test to guide

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release, the definition of grey belt and PDL, and proposals that are considered not to be inappropriate development.

### **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?

**N/A**

### **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?

**N/A**

### **Golden rules to ensure public benefit**

23. The Government has committed to introducing ‘golden rules’ to ensure that major development on land released from the Green Belt benefits both communities and nature. This will build on our wider commitment for exemplary design, so that the following are required where land is released through plans or individual planning decisions:

- a. in the case of schemes involving the provision of housing, at least 50% affordable housing, with an appropriate proportion being Social Rent, subject to viability;
- b. necessary improvements to local or national infrastructure, including delivery of new schools, GP surgeries, transport links, care homes and nursery places, to deliver well-designed, connected places, recognising that local leaders are best placed to identify the infrastructure that their communities need; and
- c. the provision of new, or improvements to existing, local green spaces that are accessible to the public – where residential development is involved, new residents should be able to access good quality green spaces within a short walk of their homes, whether through onsite provision or through access to offsite facilities.

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### **Delivering affordable housing**

24. The Government is proposing a target of 50% affordable housing on land released from the Green Belt for residential development. The Government is committed to delivering more genuinely affordable housing tenures, such as Social Rent. However, we also recognise that for the purposes of place-making, a balance of tenures is required. For that reason, we propose that the tenure split across affordable housing delivered under the golden rules should be for local authorities to decide.

#### **Question 34**

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

N/A

#### **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?

N/A

### **Delivering improved public access to green space**

25. We are clear that release of 'grey belt' land must benefit communities and nature. We know that accessible green space is an integral part of making quality places so the **golden rules will include delivering access to good quality green spaces and nature**. We will bolster the environmental requirements that are already in place for new developments, such as Biodiversity Net Gain, by setting out additional requirements including an **objective for new residents to be able to access good quality green spaces within a short walk of their homes**.

26. We expect local planning authorities to specify clear policies on green space requirements in plans, for which they can draw on Natural England's Green Infrastructure Framework and the National Model Design Code. The former provides guidance on national standards for green infrastructure and latter provides detailed guidance on the production of design codes, guides and policies to promote successful design, including for green infrastructure and access to nature.

27. Where authorities do not have specific policies in place, we propose to make clear that schemes in the Green Belt must provide quality green space which reflects relevant nationally-recognised standards.

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### **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?

**N/A**

### **Green Belt land and Benchmark Land Values**

28. Green Belt land can deliver more affordable housing, infrastructure and environmental contributions, as the value of the land in its existing use is generally low and the Green Belt designation reduces the hope value associated with the prospect of securing planning permission. However, we recognise that the contributions that can be secured from development will vary between areas, and between individual sites: some areas have lower house prices; some sites will have abnormal costs; Community Infrastructure Levy rates vary between those local planning authorities which charge it; and some sites may have a higher value in their existing use. For this reason, we believe that it is necessary to allow the limited use of viability assessments, where negotiation is genuinely needed for development to come forward, particularly in relation to affordable housing requirements. However, this cannot be an excuse to inflate landowner or developer profits at the expense of the public good.

29. Approaches that government could take to ensure the appropriate use of viability include the following options.

a. **Government sets benchmark land values to be used in viability assessments.** When assessing whether a scheme is viable, it is necessary to make an allowance for the amount of money to be paid to the landowner. This should currently be set by the local planning authority. Government could set indicative benchmark land values for land released from the Green Belt through national policy, to inform the policies developed on benchmark land value by local planning authorities. These should be set at a fair level, allowing for a premium above the existing use, but reflecting the need for policy delivery against the golden rules. Different approaches to benchmark land value are likely to be appropriate for agricultural land, and for previously developed land.

b. **Government sets policy parameters so that where land transacts at a price above benchmark land value, policy requirements should be assumed to be viable.** As part of this approach, Government sets out that if land has been sold (or optioned) at a price which exceeds the nationally set benchmark land value, viability negotiation should not be undertaken. Under this approach, the planning authority should not be seeking higher contributions (e.g. 60 per cent affordable housing), but equally the developer should not be seeking lower contributions (e.g. 40 per cent affordable housing), as this would represent a transfer of value from the public to private landholders. Therefore, planning permissions would not generally be granted for proposed developments where land transacts above benchmark land value, and cannot comply with policy.



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c. **Government sets out that where development proposals comply with benchmark land value requirements, and a viability negotiation to reduce policy delivery occurs, a late-stage review should be undertaken.** This would build on the approach to be taken by the Greater London Authority, and tests actual costs and revenues against the assumptions made in the initial viability assessment. If, for example, the development is more viable than initially assumed, due to a rise in house prices, then additional contributions can be secured, to bring the development closer to or up to policy compliance.

30. Benchmark land values are generally set as a multiple of agricultural use values, which are typically in the region of £20,000 - £25,000 per hectare, and as a percentage uplift on non-agricultural brownfield use values. We also note that views of appropriate premia above existing use values vary: for agricultural land, a recent academic paper<sup>6</sup> suggested BLVs of three times existing use value; the Letwin Review of Build Out<sup>7</sup> suggested ten times existing use value; Lichfields found that local planning authorities set BLVs of between 10- and 40-times existing use value<sup>8</sup>. These BLVs do not necessarily relate to Green Belt land, which is subject to severe restrictions on development, and **Government is particularly interested in the impact of setting BLV at the lower end of this spectrum.**

31. The Government considers that limited Green Belt release, prioritising grey belt, will provide an excellent opportunity for landowners to sell their land at a fair price, while supporting the development of affordable housing, infrastructure and access to nature. Where such land is not brought forward for development on a voluntary basis, the Government is considering how bodies such as local planning authorities, combined authorities, and Homes England could take a proactive role in the assembly of the land to help bring forward policy compliant schemes, supported where necessary by compulsory purchase powers, with compensation being assessed under the statutory no-scheme principle rules set out in Part 2 of the Land Compensation Act 1961.

32. In such cases, these rules would operate to exclude any increases or decreases in value of land caused by the compulsory purchase scheme, or by the prospect of it, and valuation of the prospect of planning permission ('hope value') for alternative development would reflect the golden rules outlined in the NPPF. Use of compulsory purchase powers may also include use of directions to secure 'no hope value' compensation where appropriate and justified in the public interest. A comprehensive justification for a no hope value direction (e.g., which includes a high proportion of vital affordable housing being delivered) will strengthen the argument that a direction is in the public interest. This would align with the Government's aspiration for high levels of affordable housing to be delivered on these sites.

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<sup>6</sup> [Independent Review of Build Out - Final Report](#)

<sup>7</sup> [fine-margins\\_viability-assessments-in-planning-and-plan-making.pdf \(lichfields.uk\)](#)

<sup>8</sup> Annual Business Survey, 2024

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### **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?

**N/A**

### **Question 38**

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

**N/A**

### **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?

**N/A**

### **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?

**N/A**

### **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?

**N/A**

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### **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?

**N/A**

### **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?

**N/A**

### **Question 44**

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

**N/A**

### **Question 45**

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

**N/A**

### **Question 46**

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

**N/A**

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

1. **This chapter seeks views on changes to planning policy to support affordable housing delivery.** We will deliver the biggest increase in social and affordable housebuilding in a generation. As part of our plan to do so, we are strengthening planning obligations to ensure new developments provide more affordable homes and supporting councils and housing associations to build their capacity and make a greater contribution to affordable housing supply through the changes proposed below.

2. **This chapter is also seeking views on changes to further reform the NPPF in line with the Government’s objectives for the planning system.** These include changes to promote mixed tenure development, community development, small sites, and design. These changes are designed to support our objectives of a more diverse housing market, that delivers homes more quickly and better responds to the range of needs of communities.

#### **Delivering affordable housing**

##### **Improving the existing system of developer contributions**

3. We want to deliver the much-needed affordable housing local communities need and the wider infrastructure that will mitigate the impacts of new development. We believe the best way to achieve this will be to focus on improving the existing system of developer contributions, which means the Government is not implementing the Infrastructure Levy as introduced in the Levelling-up and Regeneration Act 2023. As part of this, we will look to set clear planning policy requirements on Green Belt land.

##### **Delivering the right mix of affordable housing**

4. The Government believes that local areas are best placed to decide the right mix of affordable housing for their communities, including a mix of affordable homes for ownership and rent. The NPPF already sets the expectation that when establishing housing requirements, local planning authorities consider the needs of different groups in the community. Currently, this does not include those who require Social Rent. Similarly, policy says that local policies should specify the type of affordable housing required, but does not specify tenure breakdown. To support our objectives around boosting delivery of Social Rent while leaving local planning authorities in the driving seat, we propose **setting an expectation that housing needs assessments explicitly consider the needs of those requiring Social Rent and that authorities specify their expectations on Social Rent delivery as part of broader affordable housing policies.** We expect that many areas will give priority to Social Rent in the affordable housing mix they seek, in line with their local needs, and this is something we strongly support, but we will not be prescriptive; it is for local leaders to determine the balance that meets the needs of their communities.

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5. In line with this, we propose removing the prescriptive requirements relating to affordable home ownership products. Currently, home ownership products are prioritised over homes for affordable rent, with particular priority given to First Homes. We are clear that we must take steps to boost home ownership and the actions set out in this document will do just that – but the prescriptive prioritisation of these particular types of affordable housing in existing policy is not the right approach. It can force unhelpful trade-offs, especially in areas where, for example, Social Rent and Affordable Rent are most needed. For this reason, **we propose removing the requirement to deliver at least 10% of the total number of homes on major sites as affordable home ownership**, as set out in paragraph 66 of the current NPPF. **We also propose removing the requirement that a minimum of 25% of affordable housing units secured through developer contributions should be First Homes**, as set out in the ‘Affordable Homes Update’ Written Ministerial Statement of 24 May 2021. First Homes would remain a type of affordable housing and an option for delivery where local planning authorities judge this to be appropriate for local needs, including through First Homes exception sites and through s106 developer contributions, and we propose reflecting this in the NPPF Glossary definition of affordable housing. We are also proposing to remove Starter Homes from the same definition given First Homes was a replacement for this scheme.

### **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?

**TDC Response: There is an acute need for more housing for social rent within the Tendring district, and the Council supports proposals that seek to boost delivery of social rented accommodation. However, the barrier to delivering this is resourcing, not planning policy. In order to deliver a greater number of homes for social rent, funding must be made available to Local Authorities in order to build them. Unless Local Authorities or registered providers are properly resourced to deliver these homes, any policy requirements are likely to be ineffective.**

### **Question 48**

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

**TDC Response: The Council does not object to removing this blanket requirement and allowing authorities to determine the correct mix of affordable housing types and tenures to best meet the need at a local level.**

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### **Question 49**

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

**TDC Response: The Council does not object to removing this blanket requirement and allowing authorities to determine the correct mix of affordable housing types and tenures to best meet the need at a local level.**

### **Question 50**

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

**TDC Response: No comments.**

### **Promoting mixed tenure development**

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

7. To promote a delivery of mixed use sites, and the realisation of these benefits, we propose to introduce a new policy that expects local planning authorities to take a positive approach to them through both plans and decisions.

### **Question 51**

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

**TDC Response: Tendring's adopted Local Plan already includes the requirement for large schemes to deliver a mix of dwelling types, sizes and tenures that reflects the housing need identified in the latest Strategic housing market Assessment. Any national policy must, however, include flexibility so that Local Plans can reflect the latest evidence on housing need in their area.**

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### **Supporting majority affordable housing developments**

8. While we want to promote a mix of tenures on developments, we also acknowledge that there will be circumstances where developments that are predominately (or exclusively) single tenure will be appropriate and should be supported. In particular, we want to make clear that development that delivers a high percentage of Social Rent (or other affordable housing tenures) should be supported.

9. We also know that predominately or exclusively affordable housing developments can raise concerns, given evidence around the benefits of mixed communities. Through this consultation we are seeking views on how to best promote sites of this type, while ensuring that adequate safeguards are in place that avoid unintended consequences (for example whether there is an appropriate maximum size for schemes of this nature). We are also seeking views on the best approach for supporting affordable housing developments within rural areas.

#### **Question 52**

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

**TDC Response: Tendring's Local Plan already includes a policy for rural exception sites, which supports proposals that are exclusively or predominantly for affordable housing in locations where other kinds of development would not be permitted. These proposals must be supported by clear evidence of local need and be backed by the relevant parish council.**

#### **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?

**TDC Response: Safeguards must be in place to ensure that all affordable homes with these schemes remain exclusively for local need through the control of occupation during the lifetime of the development, and that the low-cost benefits of the housing provision pass on to subsequent occupants meeting the criteria of local need. Long-term management of these schemes must be properly secured, and they must have no material adverse impact on biodiversity and geodiversity (including designated sites), landscape (including designated landscapes), the historic environment, residential amenity, highway safety, or the form and character of the settlement to which it adjoins.**

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### **Question 54**

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

**TDC Response: Policy intervention will only go so far in delivering schemes of this nature. Support is needed from central government to a) finance the construction of social housing to boost councils' housing stock; and b) deliver the infrastructure, services and facilities needed by new developments in these locations.**

### **Meeting the needs of looked after children**

10. The Government believes that every child should have a loving, secure home close to their communities. To achieve this Government priority, it is necessary to ensure that an appropriate amount and type of accommodation for looked after children, in the right locations, is planned for and provided. The Department for Education's definition of a looked-after child is: 'A child is looked after by a local authority if they are provided with accommodation for a continuous period of more than 24 hours (section 20 Children Act 1989) or are subject to a care order (defined in section 22(1) Children Act 1989).

11. To support the provision of this type of housing, we are proposing to include explicit reference to looked after children in paragraph 63 of the current NPPF, which sets out that the housing needs for different groups in the community should be assessed and reflected in planning policies. This amendment supports the written ministerial statement on planning for accommodation for looked after children made on 23 May 2023.

### **Question 55**

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

**TDC Response: The Council does not object to looked after children being specifically referenced, but in many parts of the country (such as Essex) it is the County Council (rather than the Local Planning Authority) which has responsibility for looked after children – and they will need to establish what the local need is and be adequately resourced to deliver housing to meet that need. This Council will be working closely with ECC to ensure adequate provision is made through policies in the Local Plan to provide for the accommodation that is required.**



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### **Delivering a diverse range of homes and high-quality places**

#### **Strengthening support for community-led development**

12. Community-led housing is delivered by community land trusts, housing co-operatives and other community-based groups seeking to help meet local housing need. By virtue of the support that it engenders from the local community, the community-led approach is often able to provide housing on sites that are unavailable to mainstream commercial housebuilders or are commercially unattractive.

13. Through the 2023 review of the NPPF, a number of amendments were made to enable planning authorities to support community-led housing. **We are proposing to strengthen those provisions by:**

- a. including within the definition of 'community-led development' housing that is developed by a group originally set up for a purpose other than housebuilding; and
- b. removing the size limit for community-led exception sites, where an alternative limit is established through the development plan.

#### **Question 56**

Do you agree with these changes?

**TDC Response: The Council does not object to increasing the scope of community-led development, to allow a wider range of groups to undertake such development, if the groups genuinely represent the communities in which they operate. Allowing a local authority to establish the size limit for community-led exception sites is supported by the Council.**

14. We are also seeking views on whether changes are needed to the definition of 'affordable housing for rent' in the Framework glossary to make it easier for organisations that are not Registered Providers, for example community-led developers and almshouses, to develop new affordable homes. This is intended to inform our approach to National Development Management Policies.

#### **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?

**TDC Response: There is an acute need within Tendring, and nationally, for good quality and affordable homes for those who are unable to access market housing. However, the definition of 'affordable rent' (which can be set at up to 80% of market rent) often does not meet the needs of the most vulnerable communities and are often not affordable to**

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those who live and work in rural communities. Social housing (with its significantly lower rent levels) therefore plays an important role, and any proposals to increase the amount of 'affordable housing for rent' should not come at the expense of delivering fewer homes for social rent. Support is required from central government to deliver significantly more social housing.

### **Making the small site allocation mandatory**

15. Small and medium sized builders are essential to meeting our housing expectations and supporting local economies. They also build out the majority of small sites. Their business models often rely on identifying and securing small sites and building them out quickly. The Government is concerned that SME housebuilders are not able to access the small sites that they need, and that local planning authorities are not bringing forward small sites in their plans to the level set out in the NPPF.

16. We know that most authorities preparing plans have been unable to identify enough small sites to reach the current 10% NPPF local plan allocation expectation, and the Government is concerned this is hindering local SMEs ability to identify sites to bring forward, build out, and for their businesses to grow. We would like to gather views on why authorities are unable to identify 10% small sites, welcoming views on measures to strengthen small site policy through the NPPF, and in particular:

- a. whether the 10% small site allocation should be required in all cases (removing the current caveat that there may be some places where strong reasons exist which mean this cannot be achieved);
- b. what would be required to implement this more stringent approach, if pursued;
- c. whether a definition distinguishing between small and medium sites would improve clarity; and
- d. whether requiring authority-specific small-site strategies would help implement the 10% allocation.

### **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?

**TDC Response: The challenge when identifying and then delivering small sites is securing the delivery of comprehensive and coherent infrastructure. Works such as expanding primary schools or delivering highways improvements require a significant level of funding that may not be achieved through developer contributions on small sites and may not be delivered until additional sites are delivered in the future – long after the new residents of the original site require them. Similarly, delivering open spaces and community facilities is much harder on such small sites.**

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In Tendring, expansions of existing rural villages would be the most logical way to approach the delivery of housing developments on small sites. However, when identifying such sites following logical field boundaries, the Council has found many sites are slightly over 1ha and fail to meet the definition. Altering the threshold for 'small sites' or allowing some flexibility for sites between 1-2ha would enable a greater number of authorities to meet this requirement, and support Small and Medium-sized Enterprise housebuilders.

### **Requiring "well designed" development**

17. The NPPF was updated in December 2023 to include six additional references to the term 'beauty' and 'beautiful' when relating to well-designed development. This is further to five references to 'beautiful' places already set out within the September 2023 NPPF.

18. The Government recognises the importance of beauty in the built environment as an important objective of well-designed places. However, as recognised by previous consultees, including further references to 'beauty' and 'beautiful' may result in inconsistency in how it is applied in decision-making, as many find the term subjective and difficult to define. There is already a clear framework through policy and guidance on how to achieve well-designed places (as set out in the National Design Guide and National Model Design Code - NMDC), to enable this to be decided by local planning authorities, working together with developers and the community, which is accepted and understood by communities and the built environment sector.

19. We propose to **reverse the changes made in 2023 to the Framework that reference beauty and beautiful in relation to well-designed development.**

20. **We also propose to make small amendments to the changes made in 2023 to paragraph 138 of the existing Framework** to clarify the original intention for this wording to reflect that the National Model Design Code is now in widespread use and that the NMDC or where available local design guides and codes, prepared in line with the national guidance, is the primary means of assessing and improving the design of 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?

**TDC Response: It is important that new housing development is well designed and creates places where people can thrive. Any changes around design codes and the use of the words 'beauty' and 'beautiful' must strengthen rather than weaken the requirements for high quality design and support Local Authorities who seek to refuse poorly designed proposals.**

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### **Supporting upward extensions**

21. Paragraph 124(e) of the Framework was updated in 2023 to include detailed wording to encourage the development of mansard roofs as an appropriate form of upward extension, to recognise their value in delivering urban intensification where appropriate.

22. The Government is in favour of such schemes. However, the current wording places a disproportionate emphasis on one type of upwards extension development.

23. To make very clear that national policy is strongly supportive of all upward extensions, including mansard roofs, we are consulting on amendments to paragraph 124(e). We propose to refer explicitly to mansard roofs within paragraph 124(e) as one appropriate form of upwards extension that national policy supports. We also propose to retain and amend current policy to ensure that a condition of simultaneous development should not be imposed on an application for multiple upward extensions of any type unless there is an exceptional justification, to generate the same level of support for upwards extensions for other schemes that it has for mansard roofs.

#### **Question 60**

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

**TDC Response: The Council does not object to clarification around the intention of the upwards extension policy to include various types of development, not just mansard roofs.**

#### **Question 61**

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

**N/A.**

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### **Chapter 7 – Building infrastructure to grow the economy**

1. The Chancellor’s speech on 8 July set out the importance of ensuring the UK remained a stable place for business to invest. Alongside delivering 1.5 million new homes, it is essential that the planning system is reformed to build the infrastructure needed to power our economy for the future and support our forthcoming industrial strategy. It is vital that planning policies reflect our broad economic and infrastructure priorities, including supporting rapidly advancing commercial opportunities which will be the foundation of the UK’s future: data centres, gigafactories and laboratories.

2. This chapter outlines how the proposed NPPF changes aim to help support investment and construction of key modernised industries to support economic growth. It also seeks views on whether to go further by reflecting these priorities in the NSIP regime. Given this regime is reserved for infrastructure projects of national significance, it is right to consider whether the definition of those projects remains fit for purpose given recent technological advancements and industrial innovation. This would be one of the first steps in this government’s plan to reform the NSIP regime to speed up delivery of critical infrastructure, ahead of further measures to be delivered through the Planning and Infrastructure Bill.

#### **Building a modern economy**

3. Alongside supporting housing, this NPPF is proposing changes to the planning system to drive greater commercial development in those sectors which will be the engine of the UK’s economy in the future. Our proposed changes to the planning system are intended to provide particular support for the following key industries:

a. Laboratories: access to laboratory space is essential to the UK’s research and development activities, keeping the UK at the cutting edge of research-intensive sectors such as the life sciences. Scaling up the right lab space to meet growing needs in our world leading clusters is critical to economic growth. It attracts talent and underpins the development of many groundbreaking new discoveries such as precision medicines or quantum technologies.

b. Gigafactories: battery cell manufacturing plants, commonly called ‘gigafactories’ (when capacity exceeds 1GWh of cells), are essential for the electric vehicle supply chain. By accelerating domestic battery making capacity, we will give our manufacturing sector the certainty it needs to flourish.

c. Digital Infrastructure: digital infrastructure, including data centres, drive growth across the economy by connecting businesses and public services thereby enabling them to be more efficient and productive. A data centre is a facility hosting networked computer servers that store and process data at scale, enables AI deployment and hosts all cloud-based data. Data centres produce an estimated £4.6bn in revenue each year in the UK (2021) and are forecast to support a UK tech sector worth an additional £41.5bn and 678,000 jobs by 2025.

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d. Freight and Logistics: this sector is fundamental to the UK's economic growth and productivity, contributing £84.9 billion in Gross Value Added each year<sup>9</sup> and employing nearly 1.2 million people<sup>10</sup>. The freight and logistics sector depends upon a national network of storage and distribution infrastructure to enable local, regional, national and international operations.

### **Changes to the NPPF to support these modern economies**

4. To support these key growth industries and others, **we are proposing updates to existing paragraphs 86b) and 87 of the existing NPPF.**

5. The proposed changes to paragraph 86 b) seek to ensure the planning system meets the needs of a modern and changing economy, by making it easier to build laboratories, gigafactories, data centres and digital infrastructure, and the facilities needed to support the wider supply chain. The proposed changes would create a positive expectation that suitable sites for these types of modern economy uses are identified in local plans.

6. The additions proposed to existing paragraph 87 of the NPPF apply to both plan making and planning decisions, and set more explicit expectations about the commercial requirements that require particular recognition.

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

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

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

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<sup>9</sup> Business Register and Employment Survey, 2023

<sup>10</sup> [Electricity generation costs 2023 - GOV.UK](#)

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### **Question 62**

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

**TDC Response: The Council already takes a positive view of development in these industries, with particular support given through the Freeport East designation and land identified as part of the Tendring Colchester Borders Garden Community for knowledge-based employment. The Council supports policy that will further boost investment in these industries.**

### **Question 63**

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

**TDC Response: Rural communities are traditionally reliant on agriculture to support their economies, and concerns are often raised about food security when agricultural land is released for housing development. The Council would welcome specific support for AgroSciences and other modernisation in this industry.**

7. We propose deleting existing NPPF footnote 44, given the Industrial Strategy of the previous government is now out of date.

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

8. In addition to the change of wording proposed above, we want to test whether the Government should go further by enabling digital infrastructure projects to opt into the NSIP regime.

9. Where proposed projects are within the main fields of infrastructure covered in the Planning Act 2008 (namely energy, transport, water, waste water, waste), but below the thresholds set out in the 2008 Act, the relevant Secretary of State may, on request, direct a project into the regime under section 35 of the Act. Section 35 was amended in 2013 so that certain business and commercial developments (prescribed under regulations) such as offices, sports, leisure, and tourism, which are of a substantial size or have significant economic impact or are important for driving growth, could be directed (on request) into the regime (subject to conditions).

10. To support the proposed changes to paragraphs 86 b) and 87 in the NPPF set out in this Chapter, there is the potential for data centres, gigafactories and laboratories to be prescribed as a type of business and commercial NSIP and be directed into the NSIP consenting regime through section 35 direction, on request and subject to certain conditions.

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### **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?

**TDC Response: The Council would strongly resist the erosion of local control over such proposals. Local authorities have the best knowledge of the economies in their area, and a large focus of their work is developing local strategies for economic growth. Rather than removing decision making power from LPAs, a more effective means of achieving these kinds of development would be increasing support for local economic growth teams to develop strategies to attract such investment.**

### **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?

**TDC Response: The Council does not support direction powers to be extended to these developments – and limiting by scale would not allay our concerns. The larger scale developments will have greater impacts on local communities, environments, and economies, and the Council would wish to retain control to guide and influence (rather than resist) such development.**

### **Question 66**

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

**TDC Response: Attracting inward investment is a high priority for the Council, but the competitive bidding process for government support, where local authorities compete with other for a small pot of grant funding, is time consuming, inefficient, and creates uncertainty in the market that can often deter investment. Increased capacity within local government to attract and support such investment is needed if we are to see significant growth in these sectors.**



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### **Chapter 8 – Delivering community needs**

1. Meeting community needs goes beyond providing homes and jobs. Our society needs to be supported by a range of services and facilities to be sustainable, and to support healthy living. The Government's manifesto highlighted a number of current issues, ranging from overcrowding in prisons to a lack of access to affordable childcare. In turn, creating healthy communities has a role to play in reducing the burden upon public infrastructure, and as part of this the Government is committed to promoting active travel and tackling childhood obesity.

2. This chapter seeks views on changes to the NPPF to support the provision of public infrastructure and to create sustainable, healthy communities.

#### **Public infrastructure**

3. There is a pressing need to improve the provision and modernisation of key public services infrastructure such as hospitals and criminal justice facilities. In recognition of that, we propose to add to the wording in NPPF paragraph 100 to make clear that significant weight should be placed on the importance of facilitating new, expanded, or upgraded public service infrastructure when considering proposals for development.

#### **Question 67**

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

**TDC Response: The Council agrees delivering improved public service infrastructure is crucial and would welcome policy that supports Councils to achieve this.**

4. The Government recognises that to support the delivery of a modern economy we need to establish a workforce equipped with the skills necessary for the future. Ensuring the availability of a sufficient choice of post-16 education places has an important role to play in this. We are therefore proposing to incorporate reference to post-16 places to paragraph 99 of the existing NPPF to support the delivery of this type of education provision.

5. Furthermore, the Government recognises that access to affordable childcare is important for parents seeking to rejoin the workforce, and our manifesto committed to opening an additional 3,000 nurseries to support this objective. High-quality early education is also crucial to transforming the life chances of children. To support this commitment and the provision of childcare facilities, we are proposing to include reference to early year places to paragraph 99 of the existing NPPF.

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### **Question 68**

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

**TDC Response: The provision of early years and post-16 places are already considered as part of the planning process, and the Council supports the inclusion of these requirements within national policy.**

### **A 'vision-led' approach to transport planning**

6. Our transport infrastructure plays a vital role in creating sustainable communities and supporting economic growth. The NPPF sets out that transport issues should be considered from the earliest stage of plan-making and development proposals, to ensure that impacts are recognised and addressed.

7. At present, planning for travel too often follows a simplistic 'predict and provide' pattern, with insufficient regard for the quality of places being created or whether the transport infrastructure which is planned is fully justified. Challenging the default assumption of automatic traffic growth, where places are designed for a 'worst case' peak hour scenario, can drive better outcomes for residents and the environment. It means working with residents, local planning authorities and developers to set a vision for how we want places to be, and designing the transport and behavioural interventions to help us achieve this vision. This approach is known as 'vision-led' transport planning and, unlike the traditional 'predict and provide' approach, it focuses on the outcomes desired, and planning for achieving them. To support this approach, we are proposing to make amendments to paragraphs 114 and 115 of the existing NPPF. To support the implementation of this updated policy, we will publish updated guidance alongside the policy coming into effect.

### **Question 69**

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

**TDC Response: The Council is strongly supportive of a vision-led approach to sustainable transport provision and works proactively with partners at Essex County Council to develop vision and strategy to achieve this. However, while behavioural patterns can be influenced through the design of new places and appropriate sustainable transport infrastructure being provided, the impact on existing communities of new development cannot be neglected – and appropriate upgrades to the highways network should still be made to mitigate the immediate impacts of new development.**

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### **Promoting healthy communities**

8. The Government is committed to taking action on public health and reducing health inequalities. Local planning authorities are already able to develop policies to support local strategies to improve health and wellbeing, but there is considerable variation in the extent to which they do so. We want to consider ways in which the planning system can do more to support the creating of healthy communities. This includes tackling obesity, encouraging active travel and supporting a healthy childhood, such as through more consistent approaches to controlling hot food takeaways near schools. As part of this consultation, we are seeking views on whether and how national policy could provide greater direction and clarity on the promotion of health through local plans and planning decisions.

#### **Question 70**

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

**TDC Response: The Council supports the principle of promoting healthy communities and would welcome further guidance and direction in how to achieve this. However, any interventions must be clearly evidence based and should be implemented with the support of local communities to ensure they address the right issues in the right places.**

#### **Question 71**

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

**N/A**

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### **Chapter 9 – Supporting green energy and the environment**

**1. This chapter seeks views on revisions to the NPPF to increase support for renewable energy schemes, tackle climate change and safeguard environmental resources.** Ensuring the transition to clean power will help boost Britain’s energy independence, reduce energy bills, support high-skilled jobs and tackle the climate crisis. Boosting the delivery of renewable energy is also vital to meet the Government’s commitment to reaching zero carbon electricity generation by 2030. Onshore wind and solar are cheap, efficient and quick to build technologies that are an important part of the energy mix. Between them, they account for over a half of renewable electricity generating capacity in the UK. We know that we will need more if we are to deliver on our clean power mission.

**2. That is why this chapter also considers what changes should be made to the NSIP regime to meet our ambitions to deliver green energy, supplementing those that will be brought forward through the Planning and Infrastructure Bill.** The NSIP regime provides a route to consent the largest renewable energy projects in the country. Nearly 60% of projects currently moving through the consenting system to decision are related to renewable energy. The Secretary of State for Energy recently consented to three large scale solar farms through this planning route - Gate Burton in Lincolnshire, Mallard Pass in Lincolnshire and Rutland and Sunnica in Suffolk and Cambridgeshire. They will collectively hold a capacity of around 1.35 GWs, which is enough to power almost 400,000 homes.

**3. It is vital developers use the most efficient planning route to consent their energy projects so that we can make the UK a clean energy superpower.** This is why we are consulting on whether technological advancements mean that we should change the thresholds at which projects can be considered nationally significant. Beyond this, we will legislate to make changes to accelerate existing processes, to speed up delivery of critical infrastructure. Through the Bill, we will simplify the consenting process for major infrastructure projects and enable relevant, new and improved National Policy Statements to come forward, establishing a review process that provides the opportunity for them to be updated every five years, giving increased certainty to developers and communities.

#### **Supporting onshore wind**

4. The Government has committed to radically increasing onshore wind energy by 2030. **On 8 July, the Chancellor announced that footnotes 57 and 58 to paragraph 163 of the existing NPPF, which placed additional tests on onshore wind schemes would no longer apply to decisions.** These tests meant proposals for onshore wind projects could only be considered acceptable if:

- a. they were in areas allocated in a local or development plan or through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders; and
- b. the proposal had proven community support (unless brought forward by Neighbourhood Development Orders or Community Right to Build Orders).

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5. In effect, this created a very high bar for consent to be granted; it led to very significant under-delivery of onshore wind schemes. The changes announced by the Chancellor seek to promote the delivery of onshore wind projects to meet the target set to double generation from onshore wind by 2030.

### **Bringing onshore wind back into the NSIP regime**

6. The Chancellor's announcement on Monday 8 July included a commitment to consult on bringing onshore wind back into the NSIP regime. **To fulfil this commitment, this consultation therefore proposes that onshore wind is re-integrated into the NSIP regime.**

#### **Question 72**

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

**TDC Response: The Council would raise concerns about the amount of influence local authorities can have within the NSIP regime. Those most affected by proposals often experience the least benefit, and the Council cannot support proposals that would reduce the power local people have to influence such proposals.**

### **Supporting renewable deployment**

#### **Strengthening the NPPF**

7. We are proposing amendments to existing paragraph 163 to direct decision makers to give significant weight to the benefits associated with renewable and low carbon energy generation, and proposals' contribution to meeting a net zero future. In doing so, this aims to increase the likelihood of local planning authorities granting permission to renewable energy schemes and contribute to reaching zero carbon electricity generation by 2030.

8. Further amendments to paragraph 160 seek to set a stronger expectation that authorities proactively identify sites for renewable and low carbon development when producing plans, where it is likely that in allocating a site, it would help secure development.

9. Development of renewables may be proposed in sensitive areas which may include valuable habitats that provide carbon sequestration, including peatlands which are critical for mitigation and adaptation, and provide key habitats for biodiversity. While these changes seek to promote the delivery of renewable energy schemes, proposals would still be subject to the policy requirements set out in the framework alongside other environmental safeguards.

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### **Question 73**

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

**TDC Response: Tendring District Council has declared a climate emergency, and fully understands the urgent need to deliver more renewable energy. However, these must be the right schemes, in the right place, and implemented in the right way. The Council supports appropriate schemes, and the weight given to potential negative impacts of such proposals (such as environmental harms) should not be diminished.**

### **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?

**TDC Response: Sensitive environments should not be harmed by the delivery of renewable energy infrastructure, and national policy should make it clear that significant weight should be given to protecting these assets when considering any benefits of proposed schemes.**

### **Setting the NSIP threshold for solar generating stations and onshore wind**

10. The Planning Act 2008 determines the threshold at which solar and onshore wind projects are considered Nationally Significant Infrastructure. When the Act was introduced it provided that consenting decisions in respect of solar and onshore wind projects with a generating capacity of more than 50 megawatts (MW) would be determined by the Secretary of State under the NSIP regime.

11. However, advances in technology since 2008 mean that solar panels are now more efficient, enabling a greater MW yield per site. Onshore wind turbines are now also larger and more powerful, with the capacity of contemporary turbines as much as two times greater than when the threshold was originally set. The costs of onshore wind and solar have fallen significantly and large scale onshore wind and solar projects are now estimated to be among the cheapest forms of electricity generation in the UK today<sup>11</sup>. Under contemporary technological specifications, cheaper and smaller-scale onshore wind and solar projects are captured by the 50MW threshold.

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<sup>11</sup> Analysis conducted in July 2024 using the Renewable Electricity Planning Database and Planning Inspectorate website by looking at the number of ground-mounted solar projects entering the planning system in England.

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12. The original intention behind the categorisation of certain projects as ‘nationally significant’ under the Planning Act 2008 was to identify the largest and most important projects and put them through the NSIP system rather than the local Town and Country Planning system. With the changes in technology that have taken place since, many small or medium-sized projects now exceed the existing ‘nationally significant’ threshold. This can be a barrier to the accelerated and streamlined deployment of these two cheap electricity generating technologies at scales below what most people would consider to be nationally significant.

13. There is evidence to suggest that, in the case of solar, this is causing a market distortion. Analysis of the Renewable Energy Planning Database shows that a large proportion of ground-mounted solar capacity entering the planning system is being clustered at a capacity just below the current 50MW NSIP threshold.<sup>12</sup> This is corroborated by our engagement with the industry, which indicates that solar projects are under-sizing their capacity to avoid the increased costs and timelines associated with determination through the NSIP regime.

14. While these are not so significant as to be an absolute barrier, the capping of solar projects below the 50MW threshold implies that they are not proportionate to the size and scale of contemporary 50MW solar farms. On the other hand, there are a significant number of solar projects sized over 150MW that are being determined via the NSIP regime. This implies that the economies of scale for these projects are such that the greater co-ordination of consents that the NSIP regime allows remains attractive.

15. Given that evidence, we are proposing to:

a. set the threshold at which onshore wind projects are determined as Nationally Significant at 100MW; and

b. increase the threshold at which solar projects are determined as Nationally Significant to 150MW.

16. This could ensure that projects are required to follow a proportionate process to secure consent. Potentially allowing projects that fall beneath these thresholds to move through the local planning system, given they are less complex and geographically spread out, could result in faster consenting, and at lower cost. By increasing these thresholds to a level that more accurately reflects contemporary deployment of projects that can be considered ‘large-scale’ and ‘nationally significant,’ due to their scale or complexity, those projects can truly benefit from the economies of scale which the NSIP regime was designed to facilitate .

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<sup>12</sup> [A review of England’s revised draft regional and water resources management plans - GOV.UK](#)

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### **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?

**TDC Response: The Council supports raising the threshold for onshore wind projects to be deemed Nationally Significant but would urge greater resourcing for LPAs to ensure they have the expertise to determine such applications in a timely and effective manner.**

### **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?

**TDC Response: The Council supports raising the threshold for solar projects to be deemed Nationally Significant but would urge greater resourcing for LPAs to ensure they have the expertise to determine such applications in a timely and effective manner.**

### **Question 77**

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

**N/A**

## **Tackling climate change**

17. Climate change is one of the greatest challenges facing the world today, and the planning system can play a powerful role in helping to mitigate and adapt to its effects. The steps that we have taken to unblock onshore wind development, and the proposals in this consultation to do more to support renewable energy more generally, are just one part of the change required to fulfil planning's potential.

18. We are keen to understand the range of ways in which stronger action can be taken. We also know that putting our climate ambitions into practice is likely to pose some technical challenges: for example, the response to the NPPF consultation launched in December 2022 showed significant support in principle for the use of carbon assessments, but also raised questions about its delivery. We would like to use this consultation to gather further views on how climate change can be reflected in strengthened policy.



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19. A key aspect of climate change adaptation is managing the increasing risks posed by flood events, whether at the coast or inland. We have heard that aspects of current planning policy for flood risk could be clearer or more proportionate, and so would welcome views on potential improvements.

### **Question 78**

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

**TDC Response: Climate change is a challenge at a global scale, and a coherent strategic approach is required. National policy should determine the standards required of new development in order that such mitigations and adaptations can be delivered consistently across the country. Developing evidence and policy at a national level could save time and resources during the preparation and examination of Local Plans. Essex County Council has carried out innovative research and policy development in this field which could assist in the formulation of any national standards.**

### **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?

**TDC Response: Local authority monitoring and enforcement teams are already stretched, with increasing burden around the monitoring of BNG creating additional strain. The biggest challenge to increasing the use of carbon accounting will be resources, and being able to determine a proportionate and realistic approach within the budgets and staffing councils have available.**

### **Question 80**

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

**TDC Response: Effective cooperating has been achieved between the Environment Agency and Tendring District Council to establish local planning guidance to facilitate the regeneration of the Jaywick Sands area, which is at severe risk of flooding. Such cooperation should be promoted through national planning policy to ensure practical solutions are found to challenging local issues.**

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### **Question 81**

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

**TDC Response: Research undertaken by Essex County Council indicates that there is little impact on the viability of development schemes when high energy efficiency standards are imposed, and that the most cost-effective time to ensure energy efficiency is during construction of new buildings (rather than retrofitting, which is much more expensive). National policy should require high standards for new development, which would increase certainty for developers by ensuring a consistent approach across the country as opposed to the disjointed and varying approach currently adopted by different local authorities.**

### **Availability of agricultural land for food production**

20. In December 2023, a footnote was added that made the availability of agricultural land for food production an explicit consideration in determining if sites are appropriate for development. This added to the existing NPPF expectation that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land. Best and most versatile land is defined as grades 1-3a in the agricultural land classification.

21. We have been clear that food security is important for our national security, and that safeguarding Best and Most Versatile agricultural land is an important consideration. Prior to this addition national policy was already clear that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. This safeguard is important to retain, but it is less clear that December's additional text provided a material benefit – especially as it gives no indication of how authorities are to assess and weigh the availability of agricultural land when making planning decisions. To avoid uncertainty, we are therefore proposing to remove the text added to this footnote in December 2023.

**22. We therefore propose removing the following text from the footnote:** “The availability of agricultural land used for food production should be considered, alongside other policies in this Framework, when deciding what sites are most appropriate for development.”

### **Question 82**

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

**TDC Response: The Council does not object to the removal of this footnote, but adequate safeguards must be maintained in national policy – and strategy for food security, in light of the Government's proposals to increase housebuilding, should be prioritised.**

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### **Question 83**

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

**TDC Response: In rural areas, such as Tendring, the scale of housebuilding required to meet the proposed targets will necessitate the loss of agricultural land. More efficient use of land for food production will be essential, and support should be given to the farming community to enable innovation and improved efficiencies.**

### **National Landscapes**

23. National Landscapes is the new name for legally designated Areas of Outstanding Natural Beauty, AONBs. The draft NPPF has been amended to reflect this new terminology.

### **Supporting water resilience**

24. There is a growing gap in our water supplies that will rise to five billion litres a day by 2050.<sup>13</sup> Immediate action is required to make sure we are able to fill this gap. A twin track approach to improving water supply resilience is required. This involves action to reduce water company leaks and improve water efficiency, and delivering new water resources infrastructure, such as reservoirs.

### **Improving the current thresholds for water resources developments in the NSIP regime**

25. We are considering how we can provide water undertakers with greater certainty on the planning route for their new strategic water infrastructure, to support faster delivery, helping to address the issues we are increasingly seeing with water scarcity and quality. We are aware that areas of the Planning Act 2008<sup>14</sup> in relation to water infrastructure projects could be amended to ensure projects of national importance are captured within the NSIP regime.

26. We believe that the Planning Act 2008 could be amended to bring into the definition of NSIP:

- a. water infrastructure projects that are designed to be used intermittently but provide significant peak water supplies during droughts;
- b. the construction, maintenance or operation of water infrastructure by a third party on behalf of a water undertaker;

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<sup>13</sup> Ss27-28A of the [Planning Act 2008 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>14</sup> Water Recycling - Drinking Water Inspectorate ([dwi.gov.uk](https://dwi.gov.uk))

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c. water recycling, which will be an important option for securing water supplies and one that is commonly used around the world;<sup>15</sup> and

d. infrastructure which transfers treated drinking water.

### **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?

**TDC Response: The Council agrees that the provision of water infrastructure is crucial in order to improve water supply resilience. However, it would resist proposals to remove decision making powers from local authorities – who have a clear understanding of the water pressures facing their area and the impacts such proposals will have on local communities.**

### **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?

**N/A**

### **Question 86**

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

**N/A**

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<sup>15</sup> [Further guidance on](#) the role of local authorities in the development consent process, including on ABCD authorities

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### **Chapter 10 – Changes to local plan intervention criteria**

1. **This chapter seeks views on whether to update the local plan intervention policy criteria or to remove the criteria.** Local plans are critical to ensure the delivery of the homes, infrastructure and commercial development local communities need, while protecting and enhancing valued assets. The Government is committed to taking tough action to ensure authorities have up-to-date local plans in place, supporting local democratic engagement with how, not if, necessary development should happen. Where authorities fail, the law provides powers for the Government to take action to ensure that plans are progressed and are in place.

2. **Currently, decisions on intervention are made in line with relevant legal provisions and on the basis of intervention policy criteria set out in 2017 Housing White Paper.** These criteria have been used on several occasions over the past seven years.

3. **We are considering updating them to better align with Government’s priorities for planning to be a key driver for growth.** We want future intervention action to be swift and proportionate; justified by the local circumstances. We want to ensure that the Secretary of State has the flexibility, in a range of possible scenarios, to ensure that communities around the country can benefit from the positive changes that local plans provide.

#### **Removal of the local plan intervention policy criteria**

4. The existing intervention powers, set out in Part 2 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) were carried over from the Town and Country Planning Act 1990. These powers existed for at least 27 years without accompanying policy criteria. The current legal provisions contain tests that apply in certain circumstances.

5. For example, Section 27(1) of the 2004 Act sets out that intervention action may be taken if the Secretary of State thinks that a local planning authority is failing or omitting to do anything it is necessary for it to do in connection with the preparation, revision, or adoption of a development plan document.

6. If the policy criteria were to be withdrawn and not replaced, Ministers would approach any future decisions on intervention with substance, rigour, and an open mind, and in the context of relevant legal tests. Local planning authorities would also be given the opportunity to set out any exceptional circumstances that might be relevant.

#### **Revision of the local plan intervention policy criteria**

7. An alternative option would be to revise the policy criteria. Under this scenario, the following proposed new policy criteria would apply in addition to the legal tests set out in the 2004 Act.

8. Local planning authorities that fail to do what is required to get their plan in place, or keep it up to date, would be at risk of government intervention. A range of intervention options exist, from the issuing of plan-making directions through to the removal of plan-

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making powers, where the Secretary of State would arrange for a plan to be prepared in consultation with local people, and then brought into force. Decisions on intervention should have regard to:

a. local development needs; b. sub regional, regional, and national development needs; or c. plan progress.

The Secretary of State will give planning authorities an opportunity to put forward any exceptional circumstances in relation to intervention action.

9. Should these criteria be confirmed, they would be applied flexibly. They would be matters to which the Secretary of State would “have regard”, along with any other material considerations. The relative weight afforded to the different criteria would be determined by the Secretary of State, depending on the circumstances of the relevant area, and aligned with relevant statutory powers and obligations.

10. These proposed criteria would be applicable to decisions taken under intervention powers set out in sections 21, 26, 27, 27A and 28A of the 2004 Act. They would also apply to decisions on local plan and minerals and waste plan intervention taken under sections 15GA, 15H, 15HA, 15HB, 15HD, 15I of the 2004 Act (when amended by the Levelling-up and Regeneration Act 2023).

### **Question 87**

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

**TDC Response: The Council does not oppose the revised intervention criteria but would stress that intervention must be used proportionately. Many Local Authorities, in the process of preparing Local Plans, have experienced uncertainty and delay in recent months due to the General Election and the significant changes being introduced to the planning system by the new government. These delays mean TDC, and many authorities like it, will now not be able to adopt their updated Local Plans within 5 years of their current Local Plan’s adoption. Such authorities, which have been operating in good faith and endeavouring to keep their Local Plans up to date should not be penalised for external factors, outside of their control, that have delayed the process of plan preparation.**

### **Question 88**

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

**TDC Response: No. Local authorities require greater certainty around the plan making system at this time of significant change, not less certainty.**

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

1. This chapter seeks views on whether to raise planning application fees, and whether to introduce statutory cost recovery for local planning authorities for their role in applications for development consent under the NSIP regime.

#### **Changes to planning application fees**

2. Local planning authorities need to be appropriately resourced to provide a high-quality planning service and timely planning decisions to support the Government's priorities for economic growth, infrastructure and housing delivery. Planning application fees provide income to local planning authorities to support the delivery of their development management service. They are set nationally and, taking one year with another, are not permitted to exceed the cost to a local planning authority to process and determine a planning application. Local planning authorities are expected to spend these fees on delivering their development management services.

**3. Current planning fee levels do not generate enough income to cover the full cost of some planning applications.** In December 2023, planning application fees were increased by 35% for major applications and 25% for all other applications. Despite this increase, it is estimated that there remains an overall funding shortfall for local planning authority development management services of £262 million, based on the most recent local government spending data.

4. Those applications with the greatest shortfalls account for the majority of applications received by local planning authorities. For example, householder applications account for 52% of all planning applications received by local planning applications. The fee for householder applications is £258 per application, but based on the evidence this is not sufficient to cover the full costs in most cases. In comparison, the fees for major applications, which account for 3% of all applications received, are estimated to broadly meet cost recovery levels. Overall, it is estimated that 80% of planning applications received account for only 20% of fee income. This leaves many local planning authorities, particularly those who receive few large major applications, vulnerable to large funding shortfalls.

**5. We want to reduce this funding shortfall by ensuring that planning application fees cover the estimated costs to local planning authorities of determining those applications.** This would ensure that planning departments are better resourced and would support greater financial sustainability for local planning authorities by reducing the current pressure on wider council budgets, funded by the local taxpayer, that are relied upon by many authorities to cover funding shortfalls.

6. By increasing planning fees, it is expected that local planning authorities will have more of the resources they need to determine applications within the required statutory periods. This is essential in achieving our ambitions for housing delivery and economic growth.

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7. If we proceed, we will monitor the performance of local planning authorities through the Planning Performance Dashboard and quarterly planning statistics and will review the planning performance designation regime to ensure that local planning authorities who are under-performing are held to account.

### **Proposed fee increase for householder applications**

8. The current fee for householder applications is £258. However, we understand that the costs to local planning authorities to process these applications is significantly higher. This has an impact on the resourcing of local planning authorities, as for most, householder applications represent the greatest proportion of applications received. **We therefore propose that the fee for householder applications should be increased to meet cost recovery levels.** We estimate that, to meet broad cost recovery levels, householder application fees should be increased to £528.

9. Increasing the householder fee to estimated cost recovery levels would represent a high increase compared to previous increases. We recognise there is a balance to be struck between managing costs for applicants and reducing the funding shortfall for local planning authorities. A cost recovery level householder fee would still be low when compared to other professional fees associated with an application, and is estimated to represent less than 1% of the average overall costs of carrying out the development itself. Homeowners also benefit from a range of permitted development rights which allow householders to improve and extend their homes without the need to apply for planning permission. We therefore suggest that the increased fee would not deter development or increase the likelihood of unauthorised development, but we would like to obtain views on whether a smaller increase to the householder fee (e.g. 50% increase) would be more appropriate.

10. It is anticipated that an increase in householder application fees could be delivered through affirmative regulations by the end of the year, subject to available parliamentary time.

#### **Question 89**

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

**TDC Response: The Council does not object to raising the householder planning fees to the level proposed.**



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### **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.

**N/A.**

### **Question 91**

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

- Yes
- ~~No — it should be higher than £528~~
- ~~No — it should be lower than £528~~
- ~~No — there should be no fee increase~~
- ~~Don't know~~

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

**N/A**

### **Proposed fee increase for other planning applications**

11. In addition to householder applications, other applications where the estimated costs to local planning authorities are greater than the fee received are applications for prior approval before exercising certain permitted development rights, section 73 applications for the variation or removal of conditions to a planning permission, and applications for the approval of details reserved by condition.

12. As part of the proposals for implementing the new section 73B route introduced in the Levelling-up and Regeneration Act 2023 (to enable material variations to planning permissions), we have already consulted on the application fees for the new Section 73B route, as well as changing the fee for section 73 applications to align with this. The consultation included seeking views on increasing the fee for major applications due to the complexity of dealing with these types of application. We have completed initial analysis of

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the consultation responses on this proposal. The majority of respondents were broadly in support of setting a higher fee for section 73 applications and aligning this with the fee set for 73B applications for major development, reflecting the work entailed with dealing with these types of applications. To inform any final decision on this fee, we are working with the Planning Advisory Service to collect evidence from local planning authorities on the cost of dealing with these types of applications.

13. However, we are interested in views on other application types (excluding section 73 and section 73B applications) where we have been told the current fee does not cover the cost to the local planning authority of processing and determining these applications, and on what the fee should be. It would be helpful if evidence, through benchmarking of fees and costs, can be provided in support of your response.

### **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.

**N/A**

### **Fees for applications where there is currently no charge**

14. There are some applications which are not currently subject to fees. These include listed building consents, consent to undertake relevant demolition in a conservation area, and works to trees that are protected because they are located in a conservation area or by a Tree Preservation Order. Fees are not charged for these applications, principally for the reason that owners cannot opt out of these designations and such designations confer burdens with regard to preservation and maintenance that are in the public interest. However, each of these applications incurs costs to local planning authorities. They often require additional publicity, and consideration by technical experts such as heritage and conservation or tree officers. This cost burden is felt most strongly in local planning authorities with a high proportion of these applications.

15. We are interested in views on whether a fee should be charged for any of these applications, or any other applications which do not currently charge a fee. This could be to cover the full cost or a small flat administration fee only to cover the administration, consultation and publicity costs of applications.

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### **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.

**TDC Response: If fees for these kinds of applications were to be charged, they should be modest so as not to increase local objections to new designations on the grounds of cost implications.**

### **Localisation of planning application fees**

16. An increase in fees for householder applications and other applications would help boost local planning authority resourcing, but we know that nationally set fees do not always reflect the full costs for all local planning authorities.

17. Allowing local planning authorities to set their own fees would enable authorities to cover the actual costs specific to that authority in determining planning applications. It would also introduce greater accountability and transparency to the planning fees system, as local planning authorities would need to be able to demonstrate their charges are justifiable and based on cost.

18. However, we recognise that localisation of planning fees could lead to greater variance between local planning authorities, as well as complexity for applicants and the development sector, who may pay different fees for the same category of development for different local planning authorities. It would also place additional burdens on local planning authorities who would be required to publish and regularly review their own fee schedules.

19. Through this consultation we would like to seek views on two possible models for localisation of planning fees.

#### **Model 1 – Full Localisation**

20. Full Localisation assumes that fees would no longer be set nationally. Instead, all local planning authorities would have to set their own planning fees, within the existing fee categories and exemptions set by the Secretary of State. This would allow local planning authorities to set their own fee levels to achieve, but not exceed, cost recovery while providing some level of certainty over the different categories of development and general principles which apply to all applications.

#### **Model 2 – Local Variation (from default national fee)**

21. Local Variation would maintain a nationally set default fee but give local planning authorities the option to vary the fees within prescribed limits where they consider the nationally set fee does not meet their actual costs. Unlike full localisation, this model would

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not place a mandatory duty on all local planning authorities to set their own fees if they are content that the nationally-set fee will cover their costs, but would allow authorities who wish to set their own fees, within the existing fee categories and exemptions set by the Secretary of State, to have discretion to do so. This could be for all fees, or just select fee categories if local planning authorities wish to be selective in which fees should be set locally.

22. Localisation of planning fees would require primary legislation to establish the broad enabling powers, through the Planning and Infrastructure Bill, subject to Parliamentary timings. We would then set out in regulations the principal requirements for local planning authorities, which would include establishing a charging schedule.

### **Question 94**

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

Please give your reasons in the text box below.

**TDC Response: Yes, local planning authorities should be able to set their own planning applications fees where local factors affect the delivery of these services and result in costs above the national average.**

### **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.

**Full Localisation would create an additional burden for many local authorities whose costs can be met by fees set nationally. Local variation, on the other hand, will provide the opportunity for higher fees where local pressures dictate, but otherwise maintain a degree of certainty for the development industry.**

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### **Increasing fees to fund wider planning services**

23. Currently planning fees can only be charged at a level which covers the cost to a local planning authority in determining planning applications. However, there are wider planning services, for example plan-making and enforcement, heritage and conservation and design services, for which no fees are charged. These services therefore have to be funded through other council budgets. The costs to delivering these wider services was estimated to be approximately £384 million in 2022-2023.

24. It is estimated that to cover the costs of the wider planning services all existing planning fees would need to increase by 157%. Increasing planning fees, whether set centrally or through local fee setting, to a level above the costs of determining planning applications to fund wider planning services would require primary legislation.

25. Increasing planning fees to cover the costs of other planning services would provide additional income for local planning authorities but would result in much higher fees which could risk deterring some development. It could also be argued that wider planning services represent a public service that should be paid for by other council budgets, funded by the taxpayer, not by individual applicants.

26. We are interested in views on the principle of allowing planning fees to fund wider planning services and if so, what would an appropriate increase be and should this apply to all applications or, for example, just applications for major development. We are also interested in views on what functions within the wider planning services could be funded through planning fees.

#### **Question 96**

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

**TDC Response: The risk of introducing higher planning fees to cover additional costs of planning departments is that these will factor into viability considerations of new development, and either deter new development or reduce the amount of developer contributions that can be secured to deliver new infrastructure. Further funding from central government to provide planning functions that represent a public service would be a more appropriate mechanism.**

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

**N/A**

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### **Question 97**

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

**N/A**

### **Cost recovery for local authorities related to NSIP**

27. Hosting and neighbouring local authorities play an important role in the development consent order process, which is critical to building infrastructure to grow the economy (see Chapter 7). Although development consent order decisions are not made by local planning authorities, they play a crucial role in the development consent order process. Their role is critical to enabling government objectives for infrastructure to be delivered in a way which takes account of local impacts and context. Applicants are required to consult local planning authorities under section 42 of the Planning Act 2008, and authorities help to secure effective connections to local infrastructure, identify and mitigate local impacts, and address the impact of construction and operation of major projects on local communities and the environment. Local authorities are often responsible for monitoring and enforcing Development Consent Order requirements and provisions and any relevant section 106 infrastructure obligations.

**28. Evidence from local authorities has highlighted that engagement with the development consent process can be time-consuming and resource intensive.** Local authorities do not currently have a statutory power to charge fees for their services in relation to applications for development consent orders, and have limited capacity to resource the work needed to support the development proposals that understand and respond to local needs and issues. While local authorities can seek to negotiate planning performance agreements with applicants, which can provide funding for an agreed level of service, these can be uncertain and lead to lengthy negotiations which can slow an authority's ability to resource work in a timely and effective way.

29. Under section 42 of the Planning Act 2008 applicants are required to consult those local authorities listed under section 43 of the Act on proposed applications for development consent under the NSIP regime. This includes host local authorities (both upper and lower tier authorities), districts and unitary authorities which border a host district or unitary authority, and upper tier authorities which border a host upper tier or unitary authority. These are sometimes referred to as ABCD authorities (under section 43 of the Act, authorities are referred to as A, B, C or D authorities; further guidance has been provided by the Planning Inspectorate<sup>16</sup>. Additionally, under section 120 of the Act an order granting development consent may impose requirements in connection with the development. This may include requirements to obtain the approval of the Secretary of State or 'any other

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<sup>16</sup> In line with any other arrangements set out for plan-making in Annex 1: Implementation

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person' (which includes local planning authorities). In practice, responsibility for the work done for approval (or discharge of requirements) is often undertaken by local authorities.

30. Under section 54A of the Act, the Secretary of State may make regulations for public authorities to charge fees in relation to any advice, information or other assistance provided in connection with applications or proposed applications for development consent orders or any other prescribed matter relating to NSIP The Infrastructure Planning (Fees) (Amendment) Regulations 2024 inserted Regulation 12A into the Infrastructure Planning (Fees) Regulations 2010 (as amended). This enables a limited number of prescribed public authorities (but not including local authorities) to charge fees for the provision of relevant services in connection with NSIP in accordance with a statement published on its website which sets out the fees and services (and subject to certain other procedural requirements).

**31. We are considering whether to make provision to allow host upper and lower tier (or unitary) local authorities to be able to recover costs for relevant services provided in relation to applications, and proposed applications, for development consent under the Planning Act 2008, using the power at section 54A of the Act.** This could enable host authorities to charge fees, payable by applicants, in relation to the relevant services they provide in relation to applications (and proposed applications) for development consent. This would particularly support them in their role as a statutory consultee and in relation to the discharge of requirements. We are interested in views on what limitations, if any, should be set in regulations or through guidance in relation to local planning authorities' ability to recover costs (e.g. a set amount or prescribed maximum for the fee, or limitations on what relevant services such fees could be recoverable for), and what the impacts of full or partial cost recovery are likely to be for local authorities and applicants.

32. We consider that fee charging, under section 54A, would be most appropriate for host lower and upper tier, or unitary, authorities ('B' and 'C' authorities under section 43 of the Act). As the impacts of individual proposals can vary significantly on a case-by-case basis, depending on the nature and location of the proposal, we consider that planning performance agreements remain the most appropriate mechanism for neighbouring authorities ('A' and 'D' authorities) to recover costs. In addition, we are considering whether host authorities should be able to waive fees where a planning performance agreement is in place, to provide a more flexible approach where this would be more appropriate based on the specific circumstances of an individual development proposal.

### **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?

**TDC Response: Yes, local authorities expend significant time and resources to engage with the DCO process – and these costs should be recoverable.**

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### **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.

**TDC Response: Host authorities incur significant expense in engaging with and responding to the DCO process – both through providing advice to applicants in early stages of consultation, and through formal consultation as the DCO progresses. PPAs may be an appropriate mechanism to cover some of these costs, but a standard set of payments established nationally would be a good starting point from which negotiations for additional support can begin.**

### **Question 100**

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

**N/A**

### **Question 101**

Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

**N/A**

### **Question 102**

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

**N/A**



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

- 1. This chapter sets out how local planning authorities should prepare local plans in response to this revised framework.** Our objective is to drive local plans to adoption as quickly as possible, to progress towards our ambition of achieving universal plan coverage and ensure plans contribute positively to our ambition of delivering 1.5m homes.
- 2. Local planning authorities should continue to progress their plans to adoption under the existing system without delay.** Authorities without an up-to-date plan should not stop work on a plan with the intention of preparing a plan under the new system. Authorities that have an up-to-date plan in place will be in the best possible position to steer growth in their area to areas supported by their communities and lay the foundations for a plan-led system.
- 3. We recognise the barriers to progress plan-makers have faced in recent years. To ensure that we achieve complete coverage of up-to-date plans as soon as possible we re-affirm our commitment to supporting local planning authorities in responding to these proposed policy changes and getting plans in place.** This might include targeted support for those required to rework plans at pace, or more tailored support to meet the individual circumstances of different places.

#### **Transitional arrangements for emerging plans in preparation**

- 4. We propose transitional arrangements to maintain the progress of plans at more advanced stages of preparation, while maximising proactive planning for the homes our communities need.** These will apply differently depending on what stage of preparation the plan has reached and the extent to which it is meeting the Government's housing growth aspirations. These transitional arrangements are set out in Annex 1 of the NPPF and outlined below.
- 5. To provide stability and certainty for plans at latter stages of scrutiny,** those plans at examination will continue to be examined under the version of the NPPF they were submitted under. However, if the revised LHN figure is more than 200 dwellings per annum higher than the annual housing requirement set out in the adopted version of the plan, upon introduction of the new plan-making system, the local planning authority will be required to begin preparation of a plan under the new system as soon as possible, or in line with any subsequent arrangements set out to manage the roll-out of the new system.
- 6. To help local planning authorities with advanced plans to proceed to examination at pace and support the Government's ambition to build more homes,** those plans that have reached Regulation 19 publication stage but not yet been submitted for examination one month after the revised framework is published, with a gap of no more than 200 dwellings per annum between the local planning authority's revised LHN figure and its proposed housing requirement (as set out in the Publication version of the plan), should also progress

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to examination under the version of the NPPF it has used when preparing the plan thus far.<sup>17</sup>

7. However, those with a more significant gap of over 200 dwellings per annum between the local planning authority's revised LHN figure and the emerging housing requirement will need to revise its plan in line with the revised NPPF before submitting the plan for examination no more than 18 months after the publication of the revised NPPF. **We recognise that these arrangements would require some local planning authorities to undertake unforeseen additional work and reopen engagement with communities. Therefore, the Government will provide direct funding support to help these authorities progress their plans to examination quickly.**

8. All plans at earlier stages of preparation - (i.e. plans that have not yet reached Regulation 19 stage one month after the revised NPPF is published) - should be prepared against the revised version of the NPPF and progressed as quickly as possible.

9. Where there is an "operative"<sup>18</sup> Spatial Development Strategy (SDS) in place that is less than 5 years old, the SDS will continue to provide the housing requirement for relevant emerging local plans.

10. Minor and technical amendments to the existing NPPF transitional arrangements have also been proposed to ensure accuracy.

### **Question 103**

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

**TDC Response: The proposed transitional arrangements are not sufficient for authorities at an earlier stage of plan preparation. This Council for example, has been undertaking work for over a year on its Local Plan review, most of which will now have to be revisited in light of the unforeseen (and unprecedented) increase in housing targets. Not only will this incur additional expense and set the process back by several months, but the additional work now required to meet such high targets will inevitably make the plan preparation process longer. There should be protections in place for authorities making strong progress in preparing their Local Plans to prevent the cliff-edge situation when their Plan reaches 5 years old (and becomes out of date) – because for many authorities at that time they will find themselves suddenly unable to demonstrate a five-year supply against such inflated housing figures.**

**'Planning by appeal' does not work and will hamper the progress of Local Plans which are likely to be very advanced at that point in time – and transitional protections against the 'tilted balance' should be included for authorities in that position.**

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<sup>17</sup> "Operative" means "published under the terms of the GLA Act 1999 and is the equivalent of 'adopted'"

<sup>18</sup> [Plan-making reforms: consultation on implementation, July 2023](#)

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### **Further plan-making reforms**

11. It is currently our intention to implement the new plan-making system as set out in the Levelling-up and Regeneration Act from summer or autumn 2025. We anticipate that all current system plans that are not subject to the transitional arrangements set out above will need to be submitted for examination under the existing 2004 Act system no later than December 2026. This, coupled with the transitional arrangements, represent a significant extension to the previous proposals<sup>[^19]</sup>, with the potential to benefit plans that are at earlier stages of preparation, and providing more time for local planning authorities to reflect on the revised NPPF and progress positive plans that will stand up to scrutiny at examination. Further details of the Government's intentions around plan-making reform will be published in due course.

### **Summary**

12. Through these proposed transitional arrangements, the intention is to provide absolute clarity to local planning authorities preparing local plans, making clear which version of the NPPF should be used for their preparation and examination, and to set out the overall direction of travel for further reform of the system so authorities can start to plan for this.

#### **Question 104**

Do you agree with the proposed transitional arrangements?

**TDC Response: The extension of the transitional arrangements concerning the Levelling Up and Regeneration Act planning reforms is welcomed – but significant concerns remain about the practicality of the reforms proposed by the previous government. Further engagement with LPAs and other stakeholders is required.**

### **Future changes to the NPPF**

13. National policy, like plans, needs to be accessible and user friendly. The creation of National Development Management Policies, the Act's digital reforms, supporting work to embed common data standards and the use of digital platforms all bring opportunities to improve the way that national policies are presented and used. For example, it would help local planning authorities producing digital local plans, and those using them, if national policies were in a format that enabled them to be accessed in an integrated way.

14. We therefore intend to explore the creation of a more accessible and interactive, web-based set of national policies (both in the form of National Development Management Policies and national policies for plan-making). PDF versions of policies would be retained for those who need them. As we develop our approach to revising national policy, taking into account the responses to this consultation, we will engage with the sector to inform our approach (e.g. through user research).

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15. At present, National Planning Policy for Waste and Planning Policy for Traveller Sites sit alongside the NPPF. As part of the wider changes to national planning policy that would be required through implementing the Levelling-up and Regeneration Act – and in particular the creation of National Development Management Policies – we will consider how policies for these matters should be set out in future, including which aspects need to form part of the suite of proposals for National Development Management Policies.

### **Question 105**

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

**N/A**

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### **Chapter 13 – Public Sector Equality Duty**

1. We would like to hear about any potential impacts of any of the above proposals on businesses, or of any differential impact on persons with a relevant protected characteristic as defined by the Equality Act 2010 compared to persons without that protected characteristic, together with any appropriate mitigation measures, which may assist in deciding final policy approaches in due course.

#### **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?

**N/A**

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### **Chapter 14 – Table of questions**

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

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?

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

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

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?

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

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?

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

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?

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

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

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

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

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

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?

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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?

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

Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

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

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

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?

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?

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

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

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?

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?

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?

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?

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?



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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?

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?

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?

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?

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

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?

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?

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?

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

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

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?

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?

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?

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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?

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

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

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

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?

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

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

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

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

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

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?

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

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

Question 56: Do you agree with these changes?

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?

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?

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?

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

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

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

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

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?

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?

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

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

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

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

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

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

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

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

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?

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?

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?

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

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

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?

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

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

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

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

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?

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?

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

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

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

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

Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

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

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

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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.

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.

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.

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

Please give your reasons in the text box below.

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.

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

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

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?

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?

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.

## **A.2 APPENDIX 1**

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

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.

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

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

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

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

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?

## **A.2 APPENDIX 1**

### **Chapter 15 – About this consultation**

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities & Local Government (MHCLG) will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process, please contact us via the [complaints procedure](#).

#### **Personal data**

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

## **A.2 APPENDIX 1**

### **1. The identity of the data controller and contact details of our Data Protection Officer**

The Ministry of Housing, Communities & Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@levellingup.gov.uk](mailto:dataprotection@levellingup.gov.uk) or by writing to the following address:

Data Protection Officer  
Ministry of Housing, Communities & Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

### **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

#### **Sensitive types of personal data**

Please do not share [special category](#) personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data,' we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life; or
- sexual orientation.

By 'criminal offence data,' we mean information relating to a living individual's criminal convictions or offences or related security measures.

### **3. Our legal basis for processing your personal data**



## **A.2 APPENDIX 1**

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by MHCLG of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

### **4. With whom we will be sharing your personal data**

MHCLG may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do

we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

### **5. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for two years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

### **6. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO: [dataprotection@levellingup.gov.uk](mailto:dataprotection@levellingup.gov.uk) or

Knowledge and Information Access Team  
Ministry of Housing, Communities & Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

## **A.2 APPENDIX 1**

**7. Your personal data will not be sent overseas.**

**8. Your personal data will not be used for any automated decision making.**

**9. Your personal data will be stored in a secure government IT system**

We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for two years of retention before it is deleted.