

| | |
|-----------------------|------------|
| FOI REF: | 14859 |
| RESPONSE SENT: | 22/10/2024 |

Response:

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

No

There are many exceptional circumstances which mean that a local authority cannot meet their housing requirements. Making the standard method mandatory does not allow for local expertise or local context.

The consultation says it will still be possible to justify a lower figure where there are constraints, such as a National Park, but the proposed changes don't refer to these. It is suggested that key constraints (such as NPs) should be mentioned in para 61 (now 62) or a footnote.

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

Yes

The references to alternative approaches were vague and confusing, it is suggested they should be replaced by specific constraints such as NPs.

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

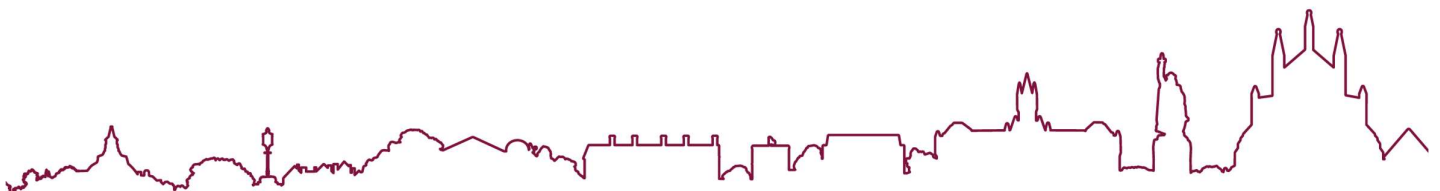
Yes

The urban uplift was arbitrary and very often could not be achieved due to the constraints of urban areas, putting more pressure onto adjoining rural Districts.

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

No

Local character is a significant consideration and must therefore be taken into account when setting policy and density. Edge of settlements will otherwise end up with high density development out of character with the area. Authority wide design codes do not reflect local geographic differences within a Local Authority area. Disagree with the suggestion that reversing this change will not have a longer term negative impact. Once inappropriate out of character development is built it will



remain in situ for 100's of years. Uplifts in density should occur in the right locations around truly sustainable hubs which offer public transport links to access employment, schools etc.

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

Yes - but it will be important to recognise difference character areas.

District-wide design coding is a difficult and immensely resource intensive activity. Focusing design codes on specific local areas of change and development would yield benefits proportionate to the scale of the task, as coding will have a greater ability to shape wholesale new developments rather than more minor alterations to existing built-up areas.

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

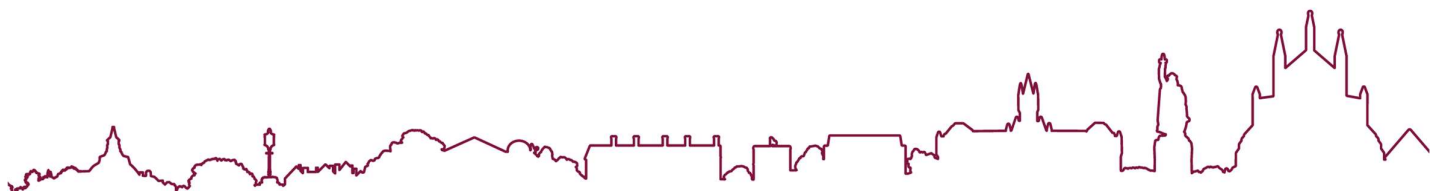
Yes

The changes to para 11 itself are useful, as they clarify which are 'the most important policies' and emphasise the location and design of development. However, the problem will be where the new Standard Method housing requirements come into effect 'overnight', causing many (most?) LPAs problems in demonstrating adequate 5-year supply and leading to a significant period of "planning by appeal". A staged introduction of the new housing requirements should be introduced (see also suggested responses on this below), or a formula that gives a lower requirement.

The council supports the introduction of safeguards to ensure that the presumption in favour of sustainable development does not justify poor quality development, with regards to location and design. There are some implications to the proposed reference to policies for 'the supply of land'. Alongside amendments to the standard methodology this could have the effect of undermining the plan led approach to development, including whether recently adopted plans are out of date, increase appeal rates and uncertainty for LPA's/communities.

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

No



An up to date local plan will demonstrate a 5 year housing supply. Local Authorities should not be in a continuous cycle of demonstrating this. This should only be required if a local plan is out of date.

Local Plan Inspectors test this and it helps to provide an incentive to keep plans up to date. The most effective way for Council's to demonstrate a five year supply of housing is through a plan led approach. There are significant concerns that the transitional arrangements for the NPPF could seriously undermine this approach. Council's that are progressing their Local Plans in a positive manner towards adoption, and are anticipating to do so in the next 12 months seem to be unduly penalised.

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

No

The additional detail in national planning guidance (PPG) is helpful given the complications involved in assessing 5-year land supply and the different methods of doing so. Agree that the references to 4-year supply should be dropped, but references to 'buffers' should not be reintroduced, except where there has been significant under-delivery against the Housing Delivery Test.

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?

No

The changes proposed to the Standard Method involve a substantial uplift in housing provision for many authorities, potentially above what is realistically available or deliverable. The consultation justifies this on the basis that it will meet housing need in full, in which case there is no need for any buffer to be added. Previous guidance applied buffers to the 5-year housing supply calculation, not to local plan housing requirements. If buffers are reintroduced they should not apply to local plan housing requirements, for the reasons above.

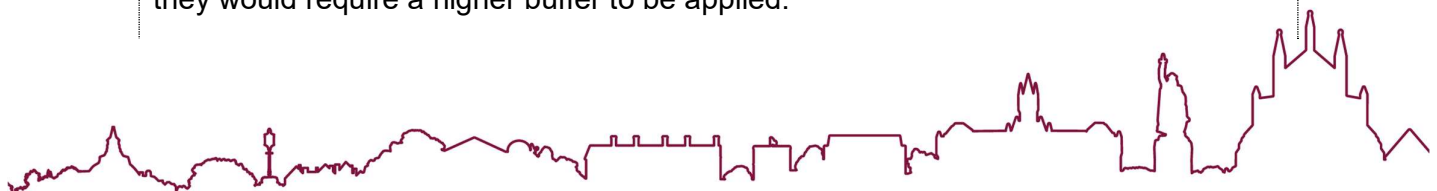
10. If Yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?

There should not be any buffer for 'market choice and competition'.

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

Yes

It is not considered that any Local Authorities used these and there is no incentive as they would require a higher buffer to be applied.



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

No

While more effective cross-boundary working is welcomed, it is not yet clear what the proposed effective new mechanisms for cross-boundary strategic planning' will be and how they will work (outside areas with elected mayors). It would, therefore, be premature to make changes at this stage and doing so could prejudice discussion and consultation on such measures when they are promoted. We share our district with a National Park: we reference this issue and the difficulties that presents in later paragraphs.

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

No

This would be premature in advance of detailed proposals setting out how strategic-scale planning is proposed to be improved. It would be unfair to test local plan soundness on the basis of future changes which are currently unknown and likely to have significant impacts.

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

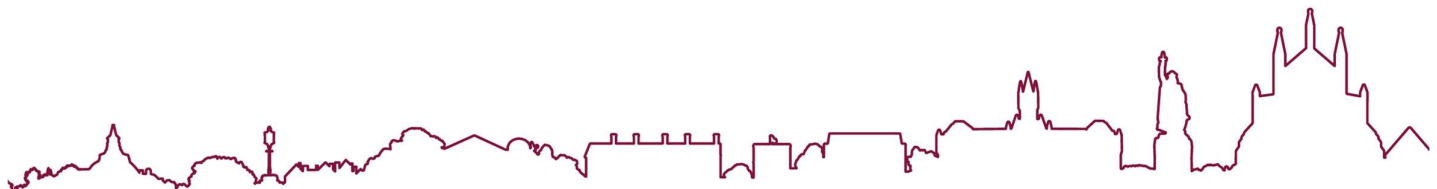
No

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

No. (or Yes with further changes).

Using unadjusted housing stock to calculate the baseline in our own planning area fails to take into account the 10% of district stock sitting within the South Downs National Park area for which we are not the planning authority. In addition, it does not take into account other issues such as migration, under occupancy, empty homes and lower densities – or reflect the outcomes of local Strategic Housing Market Assessments.

The critical issue is the inclusion of stock within the South Downs National Park Authority area in our target. The National Park covers 10% of our district's housing stock and 40% of our district's area. Based on the draft NPPF, the forecast demand number derived from this figure will not be met from the National Park area. Allocating the calculated demand from National Park areas to authorities which



include part of the National Park authority within their area – but not to other authorities – is arbitrary – and, for some authorities, leads to wholly unachievable targets - and does not do justice the nature of National Parks as national and regional assets. Removal of national park housing stock from LPA base calculations, combined with a very small adjustment to the baseline figure across all authorities (given the very small proportion of English housing inside national parks), slightly increasing the percentage of existing housing stock levels above 0.8%, will ensure that all areas contribute to the housing needs currently calculated for national parks.

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

Yes

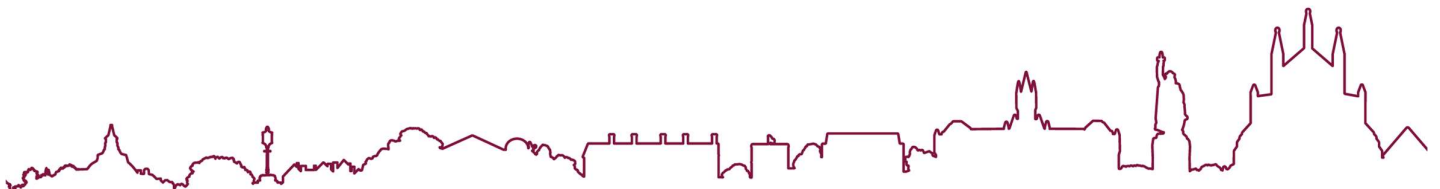
This is likely to reduce fluctuations in the ratio, although this will still change annually. As such it is a minor benefit which the Council has no strong view about.

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

No

We believe affordability is given excessive weight – and the national need for housing across all areas of the country too little weight – and so believe that the base percentage should be increased and the affordability weighting reduced. Affordability is given hugely excessive weight in an arbitrary and unjustified way. The proposed affordability ‘multiplier’ is more than doubled with no justification or econometric underpinning. Further to the issue above, the inclusion of the part of the District within the South Downs National Park also inflates the District affordability index – while the NPPF bans the level of construction that would improve affordability in that area. The consultation implies that this will improve affordability but, in our experience, if the increased housing requirement threatened to do this, developers would not build out the additional schemes in order to maintain prices.

In Winchester’s case the changes proposed increase the housing requirement from 676 dwellings per annum currently to 1099 dpa (+62%). Winchester would go from an authority that can meet its needs and offer to help meet some neighbouring authorities’ unmet needs’ to one which is unlikely to meet its own ‘needs’, let alone assist others. The new ‘need’ is more than double the number of dwellings that the current household projections suggest are needed for the District. This is likely to be the case in many other authorities, especially in the South East, raising the question of who would be able to buy or rent the additional dwellings, even if developers were



to build them. Allocating land for an unrealistic level of housing will not improve affordability or lead to additional households being able to buy or rent the units.

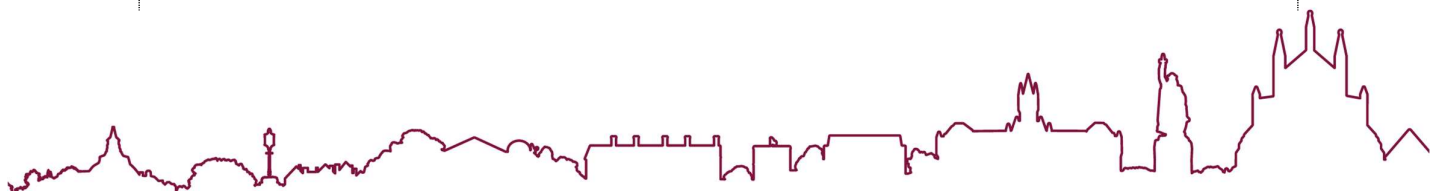
Instead, allocations will remain undeveloped and no additional dwellings, affordable or otherwise, will be achieved. The situation will be made worse by the removal of the current 'cap' on housing requirements under the Standard Method, which should be reinstated. The above comments are not made because the council does not wish to develop additional housing, but because there would be real difficulties in finding suitable land and delivering such a scale of development over a prolonged period. In Winchester's case, 40% of the District falls within the South Downs National Park's Planning Authority, but the Park Authority's work on a local plan update suggests it believes little more than 1% of the proposed housing need could be met in its area. As one of the most sparsely populated authorities in the South East, Winchester only has a limited number of sustainable locations in which development could be promoted, also often affected by environmental or heritage constraints. The proposed housing requirements are, therefore, likely to either be unachievable or result in unsustainable development.

There are many factors affecting Affordability, volume of homes is just one such as lack of construction in lower income areas. There are unintended consequences as a result of the affordability ratio and there should be a lower multiplier. Allocating housing does not have the intended consequences of addressing house prices as affordability is managed through the price setting of developers and is directly impacted by land values and costs. A higher affordability ratio is unlikely to have a material impact on costs without other market interventions. Affordability will remain an issue unless a solution is identified to reduce other costs in viability assumptions such as land values. We are strongly of the view that there is a need for a change to the transitional arrangements to phase in the proposed method to ensure that council's can continue to meet 5 year housing land supply and defend appeals for speculative development. It is not conducive to efficient and timely plan making for Government to change major deadlines without due consideration of the consequences locally, which could lead to 'planning by appeal' The proposed transitional arrangements will result in aborted and delayed plan making.

18. Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

No

It is not clear that such evidence is available and the existing affordability multiplier already covers all types of affordability. The Winchester District rental sector is not well developed and there is a danger of underestimating data



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

We are very concerned at the lack of robust transition arrangements in areas seeing a rapid increase in housing targets in order to avoid the issue of 'planning by appeal' without adequate infrastructure if the Government decides to continue with the current formula.

Given the time period to produce a new local plan, we believe there should be a phased approach over the next 2 years to transition to any new target. Housing need is not necessarily a direct function of housing supply. As noted in response to question 17, the proposed method is likely to either fail to achieve the increases sought or lead to unsustainable development. While the aim of increasing housing provision is supported, the huge scale of increases proposed for many authorities will not result in greater affordability or demand, so will not be delivered either by developers or local authorities. Instead, a staged introduction would be more effective, so as to ramp up delivery to realistic and achievable levels over a period of time.

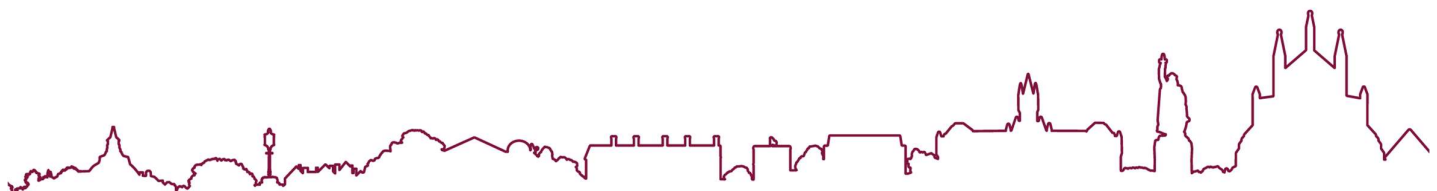
This would also avoid authorities having a hugely inflated housing requirement imposed effectively overnight, meaning that existing local plans immediately become out of date and 5-year land supply cannot be increased to meet the new targets. This will provide a disincentive to local authorities to maintain up to date local plan and encourage 'planning by appeal'. The Government needs work with local authorities and communities in order to achieve its aims and the changes proposed will have the opposite effect.

Green belt – Q20 – Q46 (no Green Belt in Winchester District)

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

No.

It is not clear from the consultation what change is proposed. However, the council supports the existing NPPF paragraph 124c as this is clear that substantial weight should be given to brownfield land 'within settlements'. A general presumption in favour of brownfield development, or brownfield passport that applied to all brownfield land, could result in unsustainable development in isolated locations which are poorly related to existing development, facilities and services. Given that some greenfield land will be needed, the priority should be to achieve sustainable development, preferably on brownfield land but also on greenfield if this is better located. This is especially the case given the proposal to expand the definition of previously developed land. Will WCC be required to assess land for Green Belt



status in the first place against the points in No.10 to establish if the district should have one, otherwise how do you create a grey belt from no green belt?

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

Yes

Much Green Belt land is, by definition, in locations where development would be sustainable and where it is appropriate to allow for the limited development proposed by paragraph 154g.

22. Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

The proposed expansion of the definition of PDL to include various open or horticultural/agricultural uses is dangerous and could result in development of a substantial scale in unsustainable locations poorly related to settlements, facilities and services (see response to Question 20 above)

Expanding PDL definition will result in what are large open areas of land with glasshouses ceasing to operate for horticultural production. Those that remain are predominantly in unsustainable locations.

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

Yes

The relaxation of controls in GB can help take pressure off other areas.

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

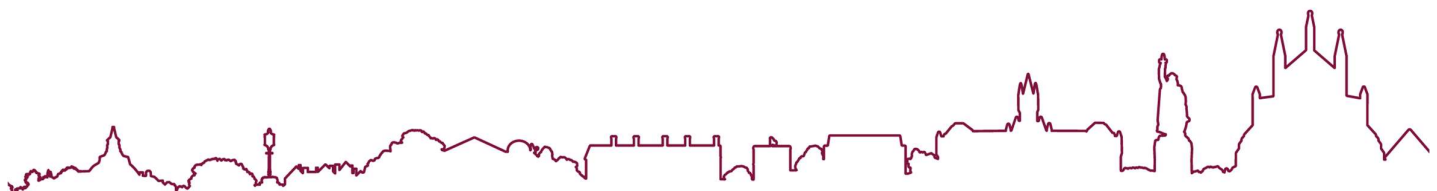
No

It seems unlikely that high quality agricultural land will meet the definition of 'grey belt' so no further protection is needed.

25. Do you agree that additional guidance to assist in identifying land which makes a

limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Yes and it should be contained within the NPPF



Yes and it should be contained within PPG

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

No

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

No

28. Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

Yes

Subject to the comments on previous questions.

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

Yes, assuming there is a Green Belt.

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

Yes

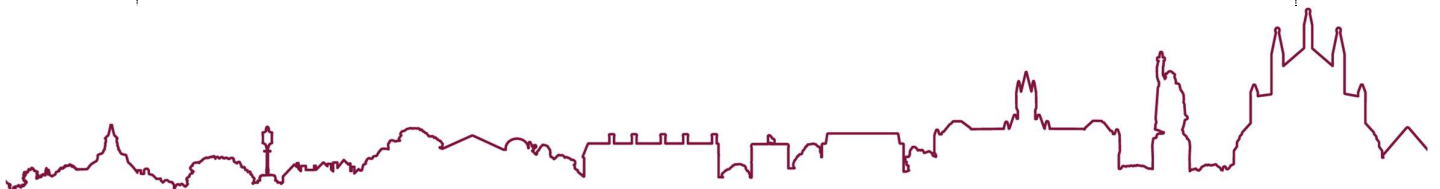
31. Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decisionmaking, including the triggers for release?

No

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

Yes

The approach should apply to traveller sites in the same way as other residential development, given the likely difficulties in finding adequate and suitable traveller sites.



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

No

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

Yes

LPA's are best placed to establish an affordable housing tenure mix that ensure these respond to local needs.

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

The 50% target should apply to all Green Belt areas (including previously developed land in the Green Belt

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

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

Yes

Access to green spaces providing benefits for many things including wellbeing should be improved and not inhibited by providing areas to satisfy BNG.

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?

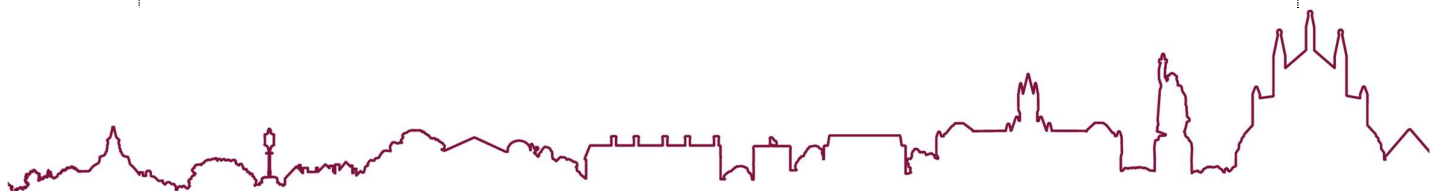
Yes

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

No opinion.

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

No



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

No

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?

Yes

If reduced contributions/provision are agreed at the planning decision stage, there should be a post mechanism review clause is agreed to consider the assumptions made in the viability assessment. The developer should pay for this updated viability review and if the scheme can support increased contributions, then an uplift/clawback should be agreed. This should be for all viability assessments not just those in the green belt.

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

No

43. Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

No

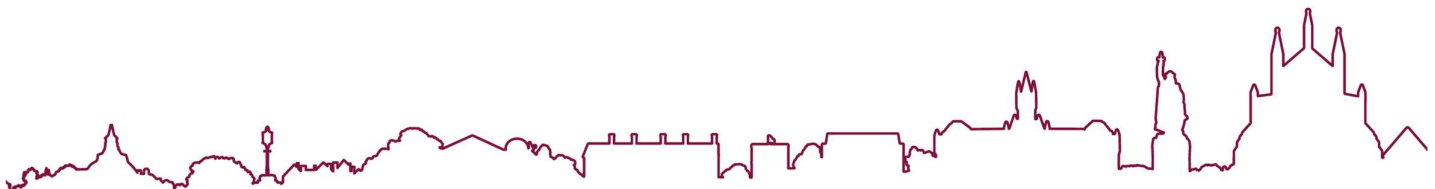
44. Do you have any comments on the proposed wording for the NPPF (Annex 4)?

No

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

No

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



The government should test these policies to ensure that there are no unintended consequences from designations of green belt in existing rural countryside areas.

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

Yes

Social Rent is the most affordable tenure and the needs of those who are unable to afford “affordable rent or “low cost home ownership” should be considered. This is especially the case given the rural nature of much of the Winchester District.

Different authorities are likely to have different affordable housing needs, with the individual Local Planning Authority more likely to reflect local differences within its policies.

It is important to ensure that build costs are factored in and that the government should step in to provide additional support / targeted subsidies to ensure the delivery of affordable housing.

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

Yes

Affordable home ownership is not a priority in this area and the requirement to provide it diverts resources from tenures which are in greater need.

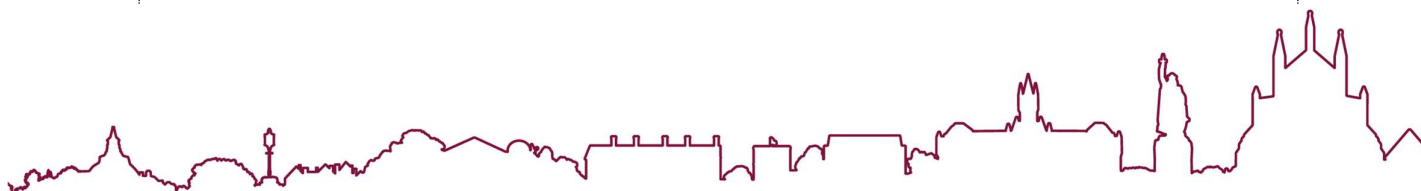
Removing the “requirement” allows for greater flexibility to provide low cost home ownership on sites. Low cost home ownership can assist with the financial viability of schemes but theoretical demand can be low and the threshold of only 10 homes is low.

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

Yes

First Homes are not a priority, not affordable in this area and the requirement to provide them diverts resources from tenures which are in greater need. First Homes do not deliver the necessary range of homes for the Winchester District and tend to not be affordable.

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



Yes

Planning authorities should have the option of providing First Homes through their local plan policies, but should be required to demonstrate that this will meet priority affordable housing needs.

Agree with retention but First Homes Exception Sites should not become favoured over rented Exception sites due to financial favourability.

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

Yes

The council would support a policy that promotes mixed affordable housing tenure that reflects local housing needs as they support inclusive and sustainable communities and wider place shaping objectives.

A policy should promote mixed and balanced developments, both within the affordable and Open Market sectors

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

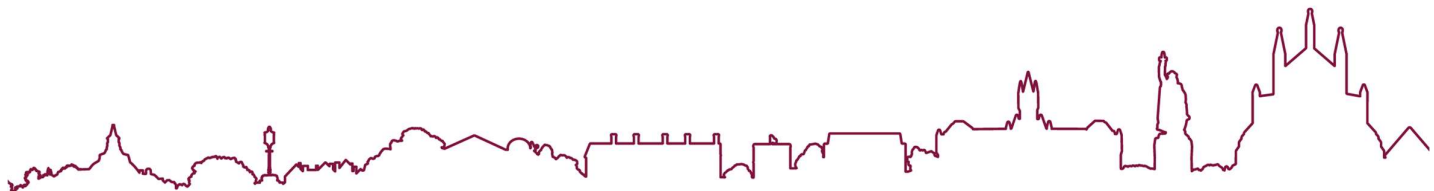
Provide Homes England support for social rent housing. Subsidy is required to produce social rented housing. Combinations of funding needs to occur grant, land, finance. Most appropriate way is to generate more subsidy.

A framework should be introduced to minimise the loss of affordable housing in areas where they are subject to abnormally high development costs such as the requirement to deliver nutrient neutrality (in Winchester it includes both phosphorus and nitrogen which is having a significant affect on development delivery and costs) and brownfield restitution.

53. What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

It is important to identify rural sites that relate well to existing sustainable rural villages. Meeting identified need is important as well as high quality design. Linked to community support and need for identified affordable housing in the area.

Either on-site or a financial contribution to affordable housing should always be made, from sites of one home up to 4 homes . (For 5 homes and more see response to question 54.) Sites could be joined together to ensure that this is financially viable.



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

The threshold which triggers affordable housing should be reduced in rural locations (i.e. similar to the National Park where it is 5 houses and above) to achieve affordable housing in rural areas where it is unlikely that scheme of 10 houses and above are brought forward. It is important to identify rural sites that relate well to existing rural villages. Meeting identified need is important as well as high quality design. Linked to community support and need for identified affordable housing in the area. Land availability is important. Involvement of local community in developing schemes.

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

Yes

It helps with clarity.

56. Do you agree with these changes?

Yes

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

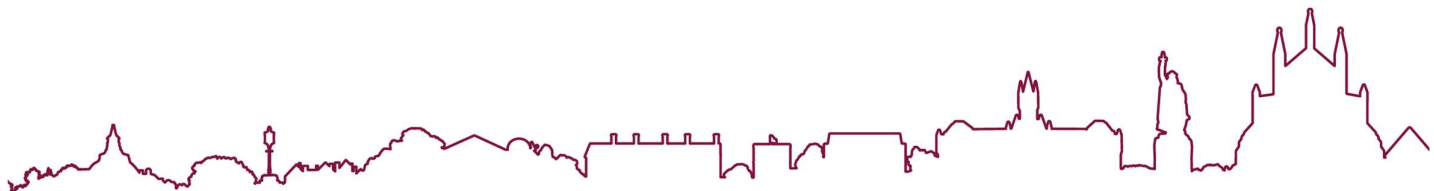
Yes

Widen the number of organisations that can provide rented affordable housing e.g. Community Land Trusts, Cooperatives, Charities, Almshouses.

58. Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

Yes

While sympathising with the aim, it is simply not practical to formally allocate a large number or proportion of small sites and the requirement should be dropped or made advisory. Local plan housing requirements total large numbers (especially if the Standard Method changes are implemented), so a requirement of for example 20,000 dwellings over a plan period would require 2,000 dwellings to be allocated on small sites to achieve a 10% target. If small sites are defined as typically 10 dwellings it would be necessary to allocate 200 sites to meet this requirement. This is simply impractical, firstly because this number of sites is unlikely to be promoted through the Strategic Housing Land Availability Assessment, and secondly because



of the sheer scale of technical and administrative work involved in making these allocations, which would delay plan-making hugely.

In addition, small sites do not deliver infrastructure or affordable housing.

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

Yes

The terms are ambiguous, keep it objective.

Agree to the retention of the phrase well-designed buildings and places. This needs to be understood in context and site. The Council have a supplementary planning guide titled High Quality Places which helps inform context for decision making in our district. Appeal Inspectors uphold decisions when taken in the context of this supplementary planning document.

The word beauty is mis-interpreted by those outside the planning profession who consider it to be a subjective assessment rather than an objective one based on a range of material planning considerations. The phrase 'beauty is in the eye of the beholder' always comes to my mind.

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

Yes

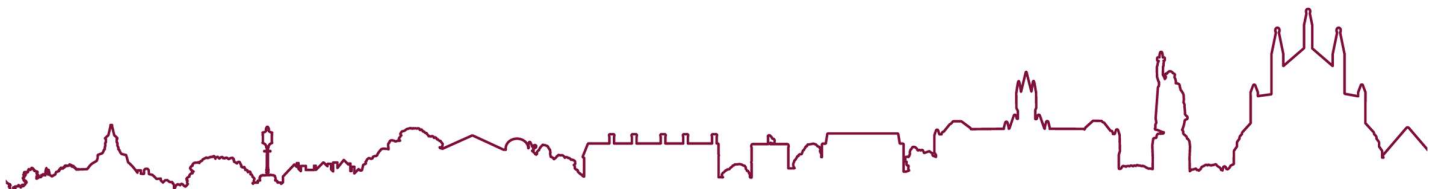
There is no harm in making the wording more concise which would enable the LPA to consider design and context of all existing buildings in allowing a mansard roof. However – it also needs to say that the design needs to be consistent with the form of the original property too , not just the neighbouring properties.

However, LPA's should be able to condition that simultaneous development which promotes upwards extension to be undertaken at the same time. Otherwise this will result in harm to the character of the area. If the assessment was that cumulatively the upwards extensions are acceptable then it must follow that they should be considered as one development and not undertaken piecemeal if at all.

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

No

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



No

The proposed changes are very prescriptive and include very detailed types of development. It may not be appropriate to provide these in all locations and the local needs for various types of commercial development should be assessed through local economic strategies or assessments. If they are mentioned, it should be as examples of the type of commercial activity that should be tested in developing the evidence base.

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

No

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

No

These do not appear to be 'infrastructure' and would not be 'nationally significant' at an individual scale. Decisions on this nature of development should be taken at the local level.

65. If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

No opinion

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

No

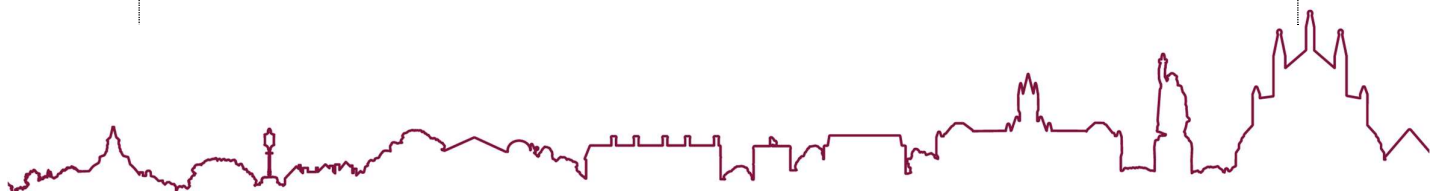
67. Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

Yes

Generally supportive. However, clarity is sought in the approach to enabling development in applying 'significant weight' in order to avoid the plan led approach being undermined. This should follow the development plan/strategy unless material considerations indicate otherwise.

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

Yes



It should however go onto encourage such providers to develop master plans to deliver, retain and increase such provision. Post-16 education provision needs to be in highly accessible locations, well served by public transport.

This should include universities there are 4 education provisions in our district providing foundation degrees and up.

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

No opinion

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

Vision led plans – what the community should look like, and opportunities for active travel Fresh food provision.

Health providers - eg local GP and other health provision. Day to day needs addressed within a 20 minute neighbourhood

More activities/space to be allocated active including sport fields and sport provision, but with more focus on informal: green spaces and more play space needed .

Air Quality – Air Quality Strategy in place

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

No

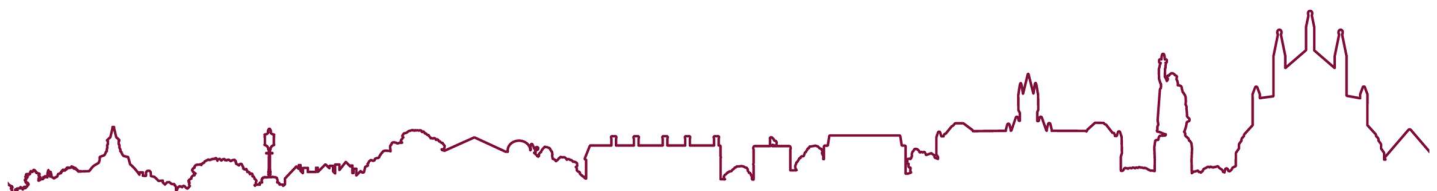
72. Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?

Yes

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

The changes to paragraph 164 of the NPPF appear to give blanket support to any renewable project, regardless of its type, scale or impact. While general support for such schemes is welcomed, it should still be possible for planning authorities to take account of their impact locally.

Renewable and low carbon energy generation must prioritise the use of low-quality agricultural land over Best and Most Versatile (BMV) land, achieve high quality design and minimise local impacts on communities. There are also time and



resource implications in identifying land for renewable and low carbon energy generation, which must be given recognition.

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

Yes

Priority habitats should be protected and enhanced. Sites should be assessed comprehensively in terms of all “green” elements. How can you compensate for something that takes years to create, such as peat bog ecosystems?

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

Yes

It is important that schemes are designed to suit the site context, rather than trying to deliver a scheme just below the NSIP regime size. Some schemes have been designed just below 50 MW, with the ability to extend in the future to avoid the NSIP regime. In this council we have never dealt with on-shore wind (and our planning district does not have many viable sites).

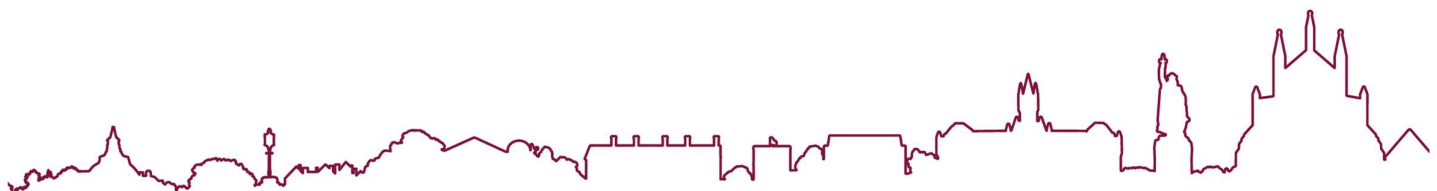
Keep the decision local. However as on-shore wind has stalled over previous years (due to previous government limitations), further guidance for on-shore wind projects should be provided (including loss of agricultural land and aviation guidance) – to support councils which do not have experience with on-shore wind projects.

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

Yes

It is important that schemes are designed to suit the site context, rather than trying to deliver a scheme just below the NSIP regime size.

Current 50MW is seen as a cap by solar developers, who consistently apply for a 49.9MW scheme even though the site is able to accommodate more. This limits the technological improvement each site can offer, if the NSIP threshold is raised this will encourage more productive use of land through the use of higher productivity technologies to increase the MW output.



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

No opinion

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

Allow local authorities to set their own standards to enable councils to focus on outcomes and delivery through the plan making process. The local standards such as LETI will satisfy this. This Council agrees with the recommendations by the Town and Country Planning Association as set out in their initial response to the NPPF consultation in August 2024 as follows:-

1 TCPAs-initial-responses-to-the-NPPF-consultation-questions-on-climate-change_August-2024.pdf

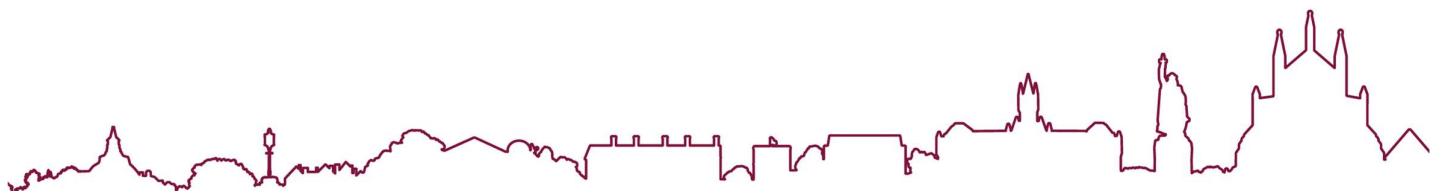
- 1) The planning system must prioritise action on climate, and this should be articulated through a definition of the purpose of planning in the NPPF that reflects the crucial role of planning in securing our future in a changing climate;
- 2) The carbon impact of planning proposals must be accounted and inform planning decisions and plan making; and
- 3) The NPPF must be reviewed to give increased direction and urgency to the opportunities for planning and development to support resilience and adaptation.

We agree with their proposed amendments as follows:-

Strengthen policy Strengthen policy wording to emphasise and prioritise the requirement of plans to comply with the Climate Change Act. The current legal requirement is spread across different planning acts and referenced in a footnote in the NPPF, leaving its intent and purpose open to interpretation. This requirement is routinely deprioritised by planning authorities and given very little consideration by planning inspectors in planning appeals and plan examinations. This should be through the NPPF (for plan making) and could also be expressed as an NDMP (for decision making).

Carbon accounting and assessment must be integrated into planning as a foundation of the planning system's approach to climate mitigation. This would include for:

o Plan making: local plans should be required to evidence how their spatial strategies and policies contribute to legal requirements set out in the Climate Change Act.



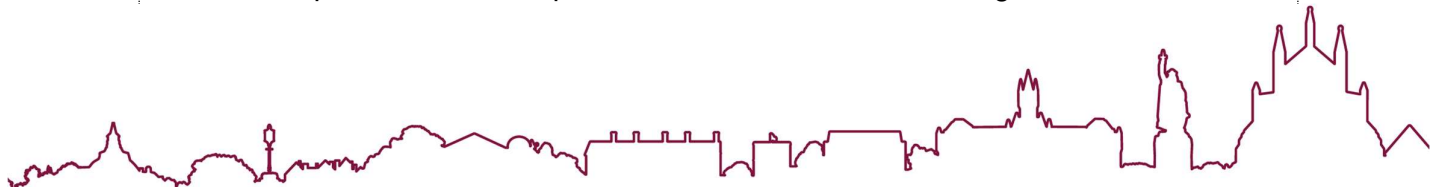
o Decision making: planning proposals should be required to calculate and present the carbon impacts of development, and demonstrate actions taken to reduce these.

□ Net zero development must be enabled by revocation of the 13 December 2023 Written Ministerial Statement (WMS). This WMS acts as an unnecessary constraint on the ability of local plans to require highly energy efficient new buildings. This should be revoked and replaced by policy in the NPPF that explicitly permits local authorities to set targets for energy-based metrics in policy to achieve net zero operational buildings where they can demonstrate this is viable. This is identified as a barrier by the Climate Change Committee, which stated in its most recent progress report: 'A December 2023 written ministerial statement introducing new requirements for planning policies that propose local energy efficiency standards for buildings that go beyond national standards is likely to cause further confusion and delays around adopting local Net Zero policies, which is a setback.'

□ The forthcoming UK Net Zero Carbon Buildings Standard provides an opportunity to create cross-sector understanding of net zero buildings. Once published, this should be recognised and promoted in the NPPF and PPG wording to emphasise and prioritise the requirement of plans to comply with the Climate Change Act. The current legal requirement is spread across different planning acts and referenced in a footnote in the NPPF, leaving its intent and purpose open to interpretation. This requirement is routinely deprioritised by planning authorities and given very little consideration by planning inspectors in planning appeals and plan examinations. This should be through the NPPF (for plan making) and could also be expressed as an NDMP (for decision making). Carbon accounting and assessment must be integrated into planning as a foundation of the planning system's approach to climate mitigation. This would include for:

o Plan making: local plans should be required to evidence how their spatial strategies and policies contribute to legal requirements set out in the Climate Change Act.

o Decision making: planning proposals should be required to calculate and present the carbon impacts of development, and demonstrate actions taken to reduce these. It is important to note that the EUI will be the same whether the building has Photovoltaics on the roof or not. The EUI is based on energy use rather than carbon emissions. This means that the main advantage of EUI when it is compared to TER is that it gives a much more accurate overall picture of a building's performance (i.e. energy efficiency). This is why the City Council has included the EUI metric in Policy CN3 as this will meet the City Council's climate emergency declaration of reaching net zero for the District by 2030 and it will result in lower residents' energy bills as it includes both regulated and unregulated energy consumption. To ensure that sustainable patterns of development are achieved. There are significant concerns



about the proposed 'standard methodology' and how this will affect patterns of development within LPA administrative areas, particularly those that contain significant rural areas. Getting new housing in the right locations is most important in delivering sustainability and influencing behaviours in respect of modes of travel.

NPPF should clearly highlight the primacy to be afforded to climate change in plan making and decision making so there is no ambiguity.

Set explicit requirements/expectations for local plans to achieve specific climate mitigation/adaptation targets.

Reform the viability process so that net zero becomes a baseline requirement when determining the viability of a plan or project.

Be clear that national policy and standards on climate change are a minimum baseline and enable LAs to set more ambitious targets where this is justified (i.e. energy efficiency standards).

Government could disaggregate national carbon budget to local authority scale, providing LPAs with the evidence and methodology through which compliance of plans and proposals can be measured.

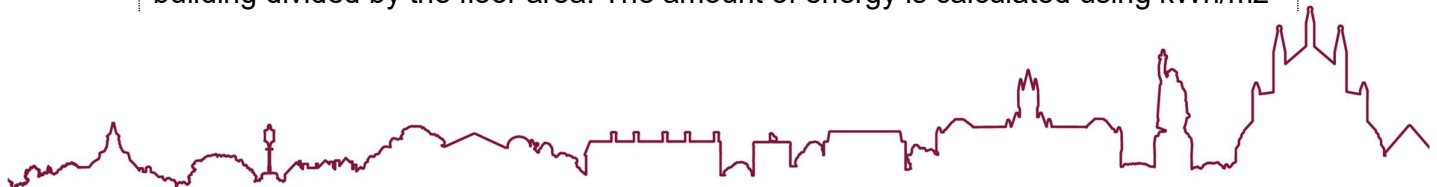
Further guidance and clarity within the PPG to support local authorities with plan making for climate adaptation and mitigation, particularly in policy areas such as: local area energy planning (i.e., standardised approach/methods/presentation and/or requirement for LAs to integrate LAEP into local plans), battery storage, allocation of land for climate adaptation measures etc. Powers to refuse consent for development of carbon-based energy infrastructure.

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?

Very expensive and complex with limited specialists in market. No deliverable and proportionate methodology exists of how to consider carbon in itself and concurrently with other material planning considerations.

The council has prepared a topic paper as part of Regulation 19 Local Plan which sets out the different ways of expressing energy uses. Our local plan policy is promoting LETI which is based kWh/m² as the preferred methodology of this council. The LETI energy efficiency standards proposed the use of absolute building metrics, expressed as Energy Use Intensity (EUI) and space heating demand alongside renewable energy generation.

When compared to TER, EUI represents the total amount of energy used by a building divided by the floor area. The amount of energy is calculated using kWh/m²



year. The use of EUI has been found by multiple planning inspectors to be justified approached in a number of Local Plans.

Using EUI is, therefore, considered to be a more accurate indicator of the energy efficiency of a home/building than TER and it can be calculated or checked at both design stage and at the post completion stage.

There are currently a variety of approaches/tools used for carbon accounting in planning decisions – some standardisation and further guidance is required to ensure that LPAs and developers are accurately calculating the carbon emissions impact of developments and plans. Stronger Planning Practice Guidance is required to support LPAs with planning decisions for climate adaptation and mitigation, particularly with conducting whole-life carbon assessments, particularly with calculating operational and embodied emissions. The variety of tools/approaches to carbon accounting currently in use, and the lack of standardisation could hamper progress and limit value. If the outcome is delivery through the Local Plan a local standard will satisfy this.

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

Yes

Assurance that Schedule 3 of the Flood and Water Management Act is enacted and like in Wales, should apply to all development including retrofitting (where appropriate and proportionate).

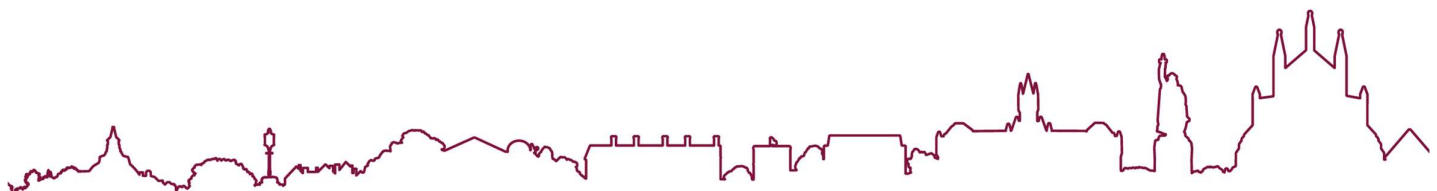
81. Do you have any other comments on actions that can be taken through planning to address climate change?

Yes

Add storm drains. There are a lot of issues now arising in respect of flash floods / very high rapid volumes of water which overwhelms the existing drainage infrastructure. Storm drains or other mitigation as part of SUDS is needed to deal with this. Within existing settlements this would be outside of the planning system, possibly outside the red line. To manage flooding within the planning system controls for mitigating the surface water impacts of new development and also for the management of construction sites and surrounding properties which are vulnerable to surface water impacts is needed.

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

Yes



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

No opinion

84. Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

Yes

Supportive of improving water quality and reducing water company leaks whilst delivering new water resources infrastructure. It is critical that these measures are undertaken in tandem rather than instead of.

Re-using water. Better policies on the use of grey water.

Infrastructure issue relating to existing properties – new builds are not the problem.

Capacity of soakaways should be increased to cater for heavier single rainfall episodes.

85. Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

No opinion

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

No

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

No

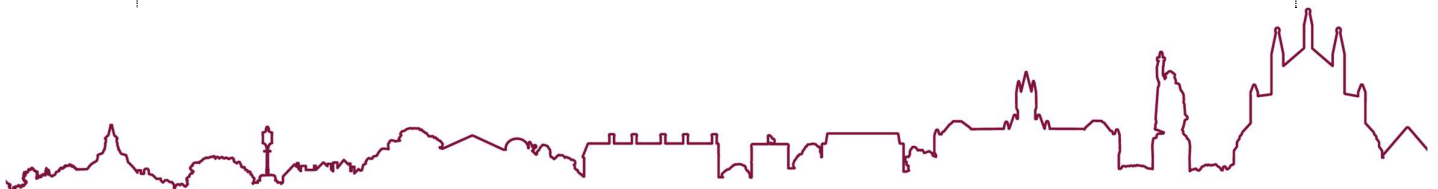
This does not appear to be necessary.

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

No

This does not appear to be necessary.

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



Yes

The application fee is a small percentage of the build cost.

The cost of determining householder applications is not met by the present fees we can charge, which has a disproportionate impact on local authority planning budgets as such applications represent the majority of applications we receive.

90. If you answered No to question 89, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

N/A

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

No – it should be higher than £528

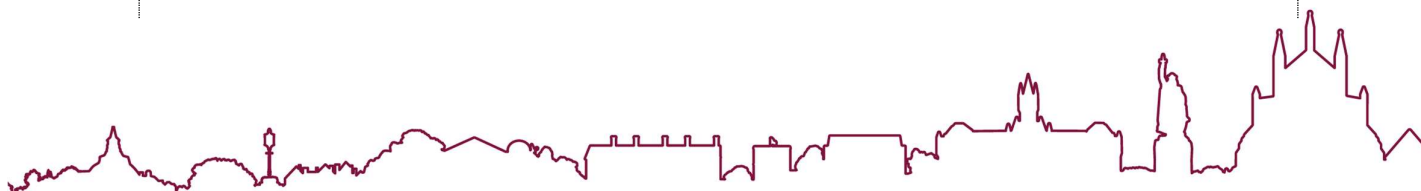
When previous government intended to introduce local fee setting historically the cost of a householder application was calculated to cost approx. £700 (to be cost neutral). Which when benchmarked compared to another local council the same cost was £450. Fees should rise annually with inflation. If full localised fee setting was introduced, we would ensure not to impose disproportionate fees on vulnerable users – charity, disability adaptations etc. relative to the proposed application.

92. Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.

Yes

Listed Building Consent (and associated discharge of condition) applications are presently free. This is despite the fact that such applications require review and scrutiny by additional specialist Conservation Officers. Such applications are often more complex and time consuming due to the greater level of control applied by listing. S.73 applications (material minor amendment) generate a low fee in comparison to the work involved. The decision to grant a S73 planning permission is effectively creating a new planning permission. The fee should be the same as that for the original development.

Discharge of planning conditions. The fee is low, and if all conditions submitted at the same involve a flat fee, rather than a fee per condition. Each separate condition discharge should pay a fee, based on cost recovery, rather than a flat rate.



Tree preservation order/conservation area applications are currently free and a fee charged could recover costs, and TPO compliance management.

93. Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

Yes

Listed Building Consent (and associated discharge of condition) applications are presently free. This is despite the fact that such applications require review and scrutiny by additional specialist Conservation Officers. Such applications are often more complex and time consuming due to the greater level of control applied by listing. Tree Preservation Order/Conservation Area applications as above.

NSIP's - Host Local authorities do not receive any funding at all. Though the gov.uk advice expects an applicant to ensure the host authority has the means to make appropriate responses to the DCO application, (this may be offered through a PPA) there are occasions when this has been refused. This is unacceptable. The workload is high and as the process gains pace, prompt speedy responses are required. Host authorities should be entitled to a fee for all NSIP's. See our response to Q99.

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

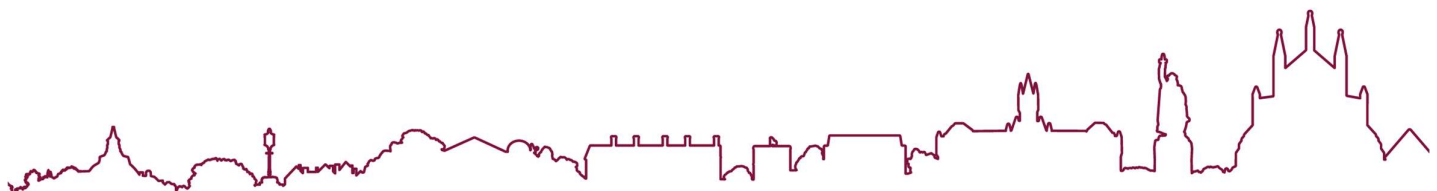
Yes

Localised fees would enable the Council to set fees which reflect true cost recover of delivering the service. Winchester City Council is situated in the south east in an affluent area with high house and land values. Cost of providing a rounded planning service with key specialists, i.e. design, historic environment, archaeology, landscape, arboriculturist, engineers, strategic planning, development management to name a few is high.

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.

Full localised fees would enable the Council to set fees which reflect true cost recover of delivering the service. Winchester City Council is situated in the south east in an affluent area with high house and land values. Cost of providing a rounded planning service with key specialists, i.e. design, historic environment, archaeology, landscape, arboriculturist, engineers, strategic planning, development management, to name a few is high.



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

No provided that full localised fee setting is agreed.

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

Local plan production, which is a statutory requirement but not specifically funded and associated documents.

Full cost recovery should include post implementation/compliance/monitoring and enforcement: this is a budget falling solely to the local planning authority budget.

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

Yes

Local authorities should be adequately funded to contribute and respond to NSIP through the Planning Performance Agreement regime by the scheme proposer. This should be mandatory for both commercial and national projects (i.e. national highways).

99. If Yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

No do not agree that fees should be waived. Host authorities must be able to recover costs for all aspects of the DCO process from the scheme promoter through from pre-application advice service to discharge of conditions/monitoring and compliance. It must be a requirement that this is secured through a Planning Performance Agreement to recover costs.

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

None – services should be cost recovered.

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.

Remove cap on maximum planning fees. Particularly for reserved matters and major development. Fees should genuinely fund the cost of determining the application.

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

Yes

Remove cap on maximum planning fees. Particularly for reserved matters and major development. Fees should genuinely fund the cost of determining the application. Retrospective planning applications should be levied a higher fee (double) to deal with the many resulting issues arise from a breach of planning controls.

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

No

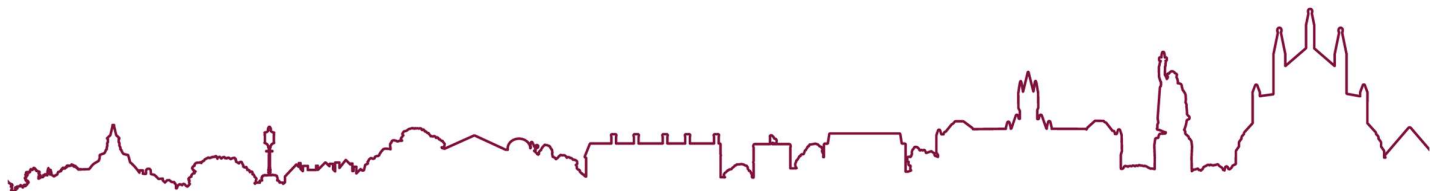
For many authorities, including Winchester, the changes proposed to the Standard Method housing requirement would involve a very large increase in housing provision. This cannot simply be accommodated by allocating a few additional housing sites and is likely to require going back to 'square one' of the local plan and consulting on alternative development strategies. Rather than start again' and delay the adoption of an up to date plan considerably, there should be more time for plans that are well-advanced to be progressed to adoption. The current proposal of the NPPF publication date plus 1 month for plans to be submitted for examination is too restricted. If the primary policy objective is to ensure local authorities are secure in their plan led approach to development it would be crucial to get in place as many up to date adopted local plans as possible. Therefore it is suggested that 'NPPF publication date plus 3 months' is a more appropriate approach to transitional arrangements.

It is unclear what will need to happen at the start of the transitional arrangement for example, having to commence an 18 month Local Plan Framework when it is not clear what the details are for delivery of a local plan under the new framework.

104. Do you agree with the proposed transitional arrangements?

No

There is a risk that well-advanced local plans in many authorities, including Winchester, will not be able to be submitted for examination under the existing (December 2023) NPPF by the time of NPPF publication plus 1 month, and that the



scale of work needed to achieve the housing requirements of the updated Standard Method will mean that they cannot be progressed to submission under the 2004 Act system by the proposed date of December 2026 either. This will leave many authorities constantly trying to 'catch up' with the latest changes to the planning system. The transitional arrangement should ensure that the substantial work by those authorities that are trying to complete well-advanced plans is not lost, and with it the ability to achieve an up to date plan.

Much of the evidence base which informs a local plan and underpins the proposed policies are informed by consultants undertaking a raft of specialist evidence commissioned by local authorities. For some there are limited consultants in the market. Transitional arrangements will have the unintended consequence of many Local Authorities competing for these specialists – further delaying the plan process and adding to costs.

The transitional arrangements will lead to delays in house building and effect building suppliers, due to shortfalls in materials and labour. There is a lack of clarity on the transitional arrangements. What is clear is that it will require significant work being re done, for example the duty to cooperate is a compliance legal issue and will need to be re considered in relation to the inflated housing requirement. This is so unless there is significant change in the regs that sit behind this which currently is not consistent with the regulations and timing for it so it needs to be changed as a matter of practicality. For example Transport assessments – if doing a vision led approach – this will need to have more time dedicated to it, but even if we had the dedicated attention of the consultants or statutory authorities, all other local council authorities will need this too so there.

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

No

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?

General cost of the planning system puts a disproportionate cost to smaller householders/business if full cost recovery. Vulnerable people – making disabled adaptations / changes. Low income homes and those making modest applications i.e. sheds / fences. Maintaining discretion on fees to help someone in need.

