

NPPF and national planning policy reforms: Exeter City Council response

September 2024

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

Yes. There are significant challenges in national and local housing markets which mean that clear direction is expected regarding the requirement to meet housing needs. Clarity over the need to meet an area's identified housing requirement should also speed-up plan preparation.

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

Yes. As above. Clear defining the requirement to meet the requirements set out in a standard method will help to accelerate housing delivery and plan-making.

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

No comment.

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

Yes. Removing paragraph 130 which references further restrictions to increased density in the context of local character will support brownfield development making more efficient use of land.

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?

If this question is in reference to the removal of the requirement for an authority-wide design code, yes. Design codes should focus on areas of particular character, constraint or areas of large-scale development.

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

No. Determining the implementation of the presumption in favour of sustainable on the basis of a land supply which is controlled by the development industry and over which a Council has very little control is inappropriate.

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

Yes.

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

Yes. It is inappropriate to require different periods of supply based on plan-making progress.

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

Yes. This will help to provide some flexibility in the housing market and promote supply.

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

No comment.

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

No comment.

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

Yes. Significant additional arrangements should be put in place to require cross-boundary strategic planning on the basis of appropriate, functional geographies. Given the increased housing numbers proposed, the likely impact this will have on development strategy (particularly regarding new communities) and the associated need to plan for strategic infrastructure jointly, a robust, clear and nationally consistent arrangement for cross-boundary plan-making is vital. This must be put in place quickly and must also clearly dovetail with the emerging arrangements for the new towns programme.

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

No comment.

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

No

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?

Although applying a baseline of housing stock should mean less volatile future housing need calculations, it would be more appropriate to utilise longer term household projections reflecting a twenty-year trend period. This would ensure needs were based on demographic data but would apply a less volatile baseline taking account of economic cycles which affect housing delivery.

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?

No comment.

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

No comment.

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?

No comment.

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

The need to ensure an increased supply of housing nationally is supported and it is clear that local plans and decision-making have a vital role to play. It is challenging to conclude whether the specific, revised housing numbers are appropriate across the country without a firmer understanding of local circumstances.

It is vital to acknowledge that since 1900, rarely has housebuilding reached the Government's annual target of 300,000 homes per annum, and in the short period where this was achieved in the 1960s, the increase in development was as a result of significant Council-house programmes. Without a radical shift to significantly increase public sector delivery it is hard to see how the national housing targets can be met. This needs to be acknowledged in emerging policy with appropriate interventions put in place supporting a greater role for Councils and Homes England – this goes far beyond planning policy reforms. This would enable greater proportions of affordable housing to be provided whilst also increasing delivery more generally.

It is clear that in many cases it will not be possible to appropriately plan for significant increases in housing without a consistent and clear mechanism for cross-boundary plan-making. This needs to be put in place quickly and alongside uplifted housing requirements to enable development to come forward in appropriate locations, at a high quality and supported by the infrastructure and affordable housing which communities need. Without such a mechanism being put in place quickly, it is likely that poorer quality development will come forward in inappropriate locations.

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

Although additional support for brownfield development is welcomed, the text regarding 'in-principle support' should provide more nuance, particularly in the context of specific historic environment assets.

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?

In principle, providing greater flexibility to enable appropriate development on poor quality, previously developed land in the green belt is appropriate.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

Yes. It is important that Local Planning Authorities should seek an affordable housing tenure mix which reflects local need.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

Agreed. If development is coming forward which delivers against policy requirements, additional contributions should not be sought because the development is already delivering what is required of it.

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?

Agreed. Phased and detailed viability reviews should be undertaken if reduced contributions are agreed on approval. Given that this could occur in various cases, Local Authorities will need further support to enable more detailed and ongoing S106 monitoring and viability appraisal support. This could take the form of further budgetary or professional resource support.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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

Yes. This could be taken further however, stipulating that some of the affordable housing mix must be social rent – the current wording appears not to do this.

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

Yes. This is currently unnecessarily prescriptive.

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

Yes. First Homes are not considered to be a form of affordable housing in the truest sense and the current requirement to provide 25% First Homes is too prescriptive.

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

No comment.

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

Yes. This will help to deliver a diverse mix of tenures to meet local needs. However there is little detailed explanation about how this will work.

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

No comment.

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?

No comment.

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

No comment.

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

The additional reference to social rent housing is appropriate. There are however other specific groups which should be included such as care leavers.

Question 56: Do you agree with these changes?

No comment.

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

No comment.

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?

Small sites are considered to be best delivered through windfall development – given the speed at which small sites come forward and are delivered, and how many there could be, allocating sites in a twenty-year plan does not offer the flexibility required to support this form 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?

Yes. ‘Beauty’ is only one very specific component of development quality and well-design places and a specific requirement for beauty in the NPPF is too prescriptive.

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

No comment.

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

No comment.

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

Yes. It is appropriate to accommodate commercial development for the transformational climate science sectors where evidence demonstrates there to be demand this type of development.

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

No comment.

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

No comment.

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

It would be appropriate for smaller, less strategic facilities to be considered by the regular local planning regime.

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

No comment.

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

Yes. It is appropriate to give significant weight to the importance of proposals for public facilities and infrastructure in the determination of planning applications for such uses.

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

Yes. It is appropriate to include reference to a wider range of education provision. This should be extended to include special educational needs. Specific reference should also be made to the need to dovetail pupil place planning and associated assumptions regarding the type of future school provision required with development strategy.

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

Yes. It is appropriate to identify the need to plan for transport provision on a 'vision and validate' basis. This would link planning and transport planning policy. However, it will continue to be vital to provide for appropriate transport contributions from development based on robust evidence of practical transport measures.

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

No comment.

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

No comment.

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

It is agreed that the de facto ban on onshore wind projects should be lifted.

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

Yes. It is appropriate for the NPPF to provide in-principle support for renewable energy projects.

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?

It would be appropriate for the carbon sequestration function of particular habitats to be taken into account when considering suitable locations for renewable energy projects.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

No comment.

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

No comment.

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

No comment.

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

No comment.

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

No comment.

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?

The principle of strategic water infrastructure being considered through the NSIP regime is appropriate.

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?

Significant improvements should be made to ensure that the water companies proactively engage in the plan-making process to ensure that appropriate, and particularly strategic, wastewater and water supply infrastructure can be delivered to support development in a timely manner. This should ensure strategic discussions take account of development requirements across local authority boundaries. Significant improvements should be made to the combined sewerage network to overcome the considerable impacts of storm overflows. Future requirements should take account of development and the impacts of climate change.

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

No comment.

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

There should be a clear set of criteria which are used to determine interventions in local 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?

No. This would be insufficiently clear.

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

Yes. Householder application fees should be increased to meet cost recovery. While it is uncertain how the figures have been arrived at whether they reflect local costs, this increase would certainly be beneficial for properly funding the service.

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.

Full cost recovery is absolutely necessary. A smaller increase would not adequately address the current shortfall in funding for planning services.

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

No comment.

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. The estimate of £528 is a good starting point for properly funding the service. This will avoid the need for detailed work to establish actual costs in the short term. However, longer term, there should be flexibility to allow local variation in fees to reflect actual costs once established.

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.

The entire fee list needs reviewing to ensure it reflects the actual cost of delivering planning services. This includes not just application processing but also background policy work, enforcement, monitoring and other related services. Current fees do not reflect these costs.

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.

The justification for not charging fees for listed building consent or tree applications is unclear, given the significant resources required to deal with them. They often require specialist input, which can necessitate employing staff or, more expensively, bringing in external expertise. Further work would be needed to confirm the typical time and cost associated with these applications.

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

It would be appropriate for local authorities to be able to set their own non-profit making fees. Actual costs will vary depending on the characteristics of the local authority, and full cost recovery will not be uniform nationally.

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

The preferred model is one of nationally set default fees with local adjustment. This approach would allow the system to be implemented quickly while giving authorities the flexibility to reflect actual costs over the medium to long term.

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

All application fees should proportionally increase to help fund services such as plan-making, enforcement, heritage, and conservation services. All of these services feed into planning decision-making, and without increased funding, they will remain inadequately resourced.

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?

Plan-making, enforcement, heritage, conservation, landscape, biodiversity, urban design and viability appraisal should all be funded through an element of planning fees. These services are critical to the overall planning process.

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

Yes, the introduction of cost recovery for relevant services provided by local authorities in relation to applications for development consent orders is considered appropriate as providing input to these processes has cost implications for Councils.

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.

Authorities should be able to waive fees when appropriate, for example when planning performance agreements (PPAs) are in place. This flexibility would allow a more tailored approach based on the specific circumstances of individual projects.

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

Cost recovery should be based on evidenced, actual costs incurred by the authority, without any arbitrary limitations or caps.

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

No comment.

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

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

Fee setting could be regulated by CIPFA, similar to Building Control fees. Additionally, fees must be ring-fenced to fund the planning service and should not be used for other council functions or to cover other local authority expenses or debts.

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

It is entirely appropriate to provide transitional arrangements for plan-making. This will help encourage timely plan-preparation whilst also acknowledging the amount of work which is has already been undertaken in progressing plans to an advanced state. Given that there are uncertainties around the specific timescales for when transitional arrangements will apply (for example it is not known exactly when the new NPPF will be published) and as a result of the extremely significant implications of narrowly missing the deadlines associated with the transitional arrangements, Councils should be given an additional two months to make use of the transitional arrangements; i.e. Councils should be able to continue progressing under the current NPPF and current housing requirements if they publish a Regulation 19 plan within three months of the release of the new NPPF.

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

No comment.

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

No comment.