

## **PLANNING AND INFRASTRUCTURE PORTFOLIO HOLDER BRIEFING**

### **PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM – SUGGESTED RESPONSE TO CONSULTATION**

On 30 July 2024 the new government published for consultation proposed changes to the National Planning Policy Framework (NPPF) and other reforms. The consultation can be viewed from the link below.

[Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

The following documents were published:

- Proposed changes to the National Planning Policy Framework
- Proposed changes to standard method
- Other proposed changes to the planning system

The latter document provides more details about the various proposed changes outlined in the other two documents and also sets out some 106 questions upon which the government is seeking views.

The deadline for responses is 24 September 2024. Whilst a report on the changes is being taken to Local Plan Committee (LPC) on 26 September 2024, because this is after the deadline for responding it will be necessary for the response to be agreed under delegated authority to the Director of Place in consultation with the Portfolio Holder. A report will still be presented to LPC in order to ensure that members are aware of what is proposed.

### **RECOMMENDATIONS**

**THAT THE COMMENTS SET OUT AT APPENDIX A BE SUBMITTED AS THE COUNCIL'S RESPONSE TO THE CONSULTATION IN RESPECT OF PROPOSED REFORMS TO THE PLANNING SYSTEM**

## CHAPTER 3 – PLANNING FOR THE HOMES WE NEED

It is proposed to reverse changes made to the NPPF by the previous Government in December 2023. In particular, it is proposed that paragraph 61 be revised so that it is clear that the standard method is the means by which housing need should be identified and by removing reference to the exceptional circumstances in which the use of alternative approaches to assess housing need may be appropriate.

Local planning authorities will be expected to make all efforts to allocate land in line with their housing need as per the standard method. A lower housing requirement would need to be justified by local evidence that the need cannot be met due to local constraints such as protected habitats and flood risk areas.

All local planning authorities will need to demonstrate they have taken all possible steps, including optimising density, sharing need with neighbouring authorities, before a lower housing requirement will be considered.

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

### Comments

Whilst recognising that the suggested change would provide absolute clarity as to what is expected from authorities in preparing their local plans, it may not always be possible to meet the identified needs. This might be because of infrastructure constraints which proposed development cannot address because of viability issues or because insufficient sites have been put forward by willing landowners. It is essential that a degree of flexibility is maintained for such circumstances.

**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?

### Comments

Having one single approach to identifying housing needs should ensure a consistent approach and avoid unnecessary time and expense at the examination stage. For this reason, the Council supports the proposed change.

## Urban uplift

It is proposed to remove the urban uplift to applied to a number of large cities, including Leicester, which saw the housing need in such places increased by 35%. More details about this and the standard method for identifying housing requirements are set out in Chapter 4.

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

Comments

The Council supports the proposed change as the change made in December 2023 was not based on any robust analysis of need.

### **Character and density**

Paragraph 130 was added to the NPPF to explain that local character can be taken into account when local planning authorities consider their ability to meet their housing needs. The government believes that such an approach will hinder efforts to achieve sustainable patterns of development and meet future housing needs.

It is also proposed to no longer focus on district-wide design coding, but instead to focus local planning authority efforts on the preparation of localised design codes, masterplans and guides for areas of most change and most potential.

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

Comments

It is considered that the issues raised in paragraph 130 are already adequately addressed in the preceding paragraph and so paragraph 130 is unnecessary.

**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?

Comments

The District Council is a pathfinder authority and has spent a considerable amount of time and effort on producing a district-wide design code. The design code will reflect local circumstances in a way which a national code could not do. Whilst the Council supports the use of area masterplans or site-specific design codes, they need to be set in, and be consistent with, the local context. For these reasons the Council does not support the proposed change in respect of the importance of local design codes which see them being reduced in significance.

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

It is proposed to amend paragraph 11 of the NPPF to make clear that where the policies relating to the supply of housing land are out-of-date, then planning permission should be granted unless other policies in the NPPF suggest otherwise or the adverse impact would

demonstrably outweigh the benefits (both as per the current NPPF). The latter has been amended to include specific reference to the location and design development and for securing affordable housing. The accompanying consultation document makes clear that this is considered necessary to address concerns that some developers have used the presumption to promote low quality, unsustainable development. An accompanying footnote clarifies what constitutes a supply of land.

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

Comments

It is important that the quality of new development is recognised as being an important consideration, so the specific reference to design is welcomed and will balance out the other proposed changes.

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

It is proposed to re-establish the requirement for all local planning authorities, regardless of local plan status, to continually demonstrate five years of specific, deliverable sites for housing. In addition, it is also proposed to remove the wording on past oversupply in paragraph 77, which was introduced to set out that previous over-supply could be set against upcoming supply. The government is of the view that given the chronic need for housing in all areas that “we should celebrate strong delivery records without diluting future ambitions”.

**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?

Comments

Whilst it is recognised that requiring all authorities to demonstrate a five-year supply of housing land should ensure consistency, it needs to be recognised that local authorities are not in sufficient control to ensure that the necessary delivery of housing occurs. Instead, this is in the control of landowners and developers. There needs to be a greater recognition of this, but also more pressure put upon developers to ensure delivery and, if necessary, penalties for non-delivery.

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

Comments

Where housing delivery has exceeded past requirements, such as North West Leicestershire, then an authority should be able to take this in to account when assessing the five-year supply as otherwise such authorities are being punished for previously granting sufficient permissions. Making the change suggested will simply increase the amount of new housing required in the immediate and long term as the requirement is

proposed to have as its starting point the housing stock. In effect, authorities will be punished twice.

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

It is proposed to reintroduce the requirement for authorities to apply a 5% buffer to their 5-year housing land supply in order to account for fluctuations, which was removed as a requirement in changes made in December 2023. In addition, it is proposed to remove the option for local planning authorities to 'fix' their 5-year housing land supply through Annual Position Statements as this option has been little used. Such statements are submitted to and assessed by the Planning Inspectorate

**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?

#### Comments

It is recognised that housing supply calculation can never be precise and so requiring a 5% buffer is not objected to.

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

#### Comments

5% is considered to be appropriate.

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

#### Comments

Producing an Annual Position Statement has resource implications for the Council. Therefore, removing this option would be welcomed by the Council.

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

The Levelling-up and Regeneration Act 2023 will revoke the Duty to Cooperate in relation to the reformed plan making system. However, the Duty remains a legal requirement under the current local plans system and will continue to apply to local plans progressed within the current system. However, the Government considers that it will be necessary to introduce effective new mechanisms for cross-boundary strategic planning to deliver sustainable growth and addressing key spatial issues – including meeting housing needs, delivering strategic infrastructure, growing the economy, and improving climate resilience. Therefore, the government proposes to take the steps necessary to enable universal coverage of strategic planning within this Parliament, via formal legislation. This will include exploring the most effective arrangements for developing Spatial Development Strategies (SDSs) outside of mayoral areas such as Leicestershire. Amendments are also proposed to the NPPF to ensure that the right engagement is occurring on the sharing of unmet housing need and other strategic issues where plans are being progressed.

It is proposed to amend paragraph 28 of the NPPF to recognise that evidence and information come forward at different times and that it will be for strategic policy-making authorities and Inspectors to come to an informed decision on the basis of available information, rather than waiting for a full set of evidence from other authorities.

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

Comments

The Council has a strong record of partnership working with other authorities across Leicester and Leicestershire and so has no objection to the proposed changes. There needs to be clarity as to what issues need to be addressed at a strategic level as opposed to the local level.

In respect of the proposed changes to paragraph 28 of the NPPF the Council welcomes the clarification provided in respect of evidence, but it does risk introducing a degree of uncertainty to the process. This could be addressed by providing further guidance.

- 3.12 The government wants the planning system to enable long term and ambitious planning of strategic scale proposals (for example new settlements), while recognising that such plans need to be grounded and realistic. There is no firm proposal to address this point at this stage, so instead an open question is asked.

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

Comments

The suggestion that the test of soundness be amended to better assess the soundness of strategic scale proposals is a potential concern. It is likely that such developments will require investment by various government agencies, such as National Highways. This has proven difficult to obtain in recent years due to uncertainty about long-term funding and also resourcing generally. Any test of soundness would need to recognise these issues. For example, it would need to consider and recognise what level of engagement there has been with infrastructure providers throughout the development of proposals and not just focus upon the likelihood of funding being available. There would also need to be greater commitment from government agencies, which will require a much longer-term view being taken by government. Furthermore, there will need to be a firm commitment from agencies to ensure that they engage in the plan making process, which is partly dependent upon their available resources.

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

No comments

## CHAPTER 4 – A NEW STANDARD METHOD FOR ASSESSING HOUSING NEEDS.

A revised standard method is proposed which replaces the current four-step model with a new two-step approach. This is outlined below followed by officers' consideration of the proposed changes.

- First step - set a baseline using housing stock rather than household projections as at present. This is set at 0.8% of the housing stock.
- Second step - add in an affordability multiplier whereby the baseline stock figure is adjusted upwards in areas where house prices are more than four times higher than earnings. In order to increase the importance of affordability considerations the affordability multiplier would be 0.6% compared to the current multiplier of 0.25%. It will also be based on an average over three years, rather than a single year as at present.

The last steps of the existing method - capping the figure (at 40% above either the previous local plan figure or the projection-derived baseline) and adding the urban uplift of 35% (including Leicester City) - are proposed to be removed.

The effect of these changes is that the housing need figure for North West Leicestershire increases from 357 dwellings every year to 621 dwellings every year.

### Considerations

Household projections have traditionally provided the basis for determining housing requirements in local plans. It is the case that in recent years projections published by the Office for National Statistics (ONS) have been problematic as they have shown so much fluctuation from year to year. It is also accepted that they do generate significant debate at local plan examinations and so lengthen examinations to some degree. Notwithstanding this, they are concerned with looking ahead to estimate what future needs are likely to be whereas the proposed approach does not attempt to project what a future need might be. Instead, it is simply a notional figure of what could be considered to be an acceptable growth rate. The result is that the starting point for North West Leicestershire increases significantly from 357 dwellings each year to 621 dwellings each year.

In terms of the baseline figure of 0.8% this is slightly less than the national growth rate of 0.89 % per year over the last 10 years. Locally the rate is much higher at 1.8% per annum.

Affordability is a key issue for many people looking to buy their own house. The latest figure for North West Leicestershire shows that the affordability ratio is 7.76, below the figure for England (8.26) but above that for the East Midlands (7.59). Using a three average will help to smooth out any changes in affordability and hence provide stability during the plan making process.

The proposal to remove the 35% uplift that was applied to a number of large urban areas, including Leicester City, but which was not statistically based is welcomed. This means that the level of unmet need which is addressed in the current Statement of Common Ground and which informs the local plan housing requirement of 686 dwellings each year will be reduced. However, this is offset by the other changes to the standard method which result an increase from 357 dwellings each year to 621 dwellings each year. Compared to the current standard method, this represents an increase of 74%, but is 9% less than the figure from the Statement of Common Ground (686 dwellings). Most other authorities across Leicester and Leicestershire see significant increases compared to the current standard method, but as noted the requirement for Leicester City has decreased significantly. It is

likely that there will still be unmet need from Leicester City, albeit a lesser amount. It is also possible that there may be unmet need from other authorities in view of the increases proposed.

For the above reasons the Council should support the proposed changes.

**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?

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

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

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

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

#### Comments

Overall, the Council considers that the proposed approach to use housing stock is inappropriate as it has no basis in what an areas future needs are likely to be, but instead assumes a notional growth across all areas. The effect of this for areas such as North West Leicestershire is to significantly increase the housing requirement but without knowing if this what will actually be required. The Council considers that the proposed approach to be flawed for the above reasons. The use of workplace-based median house price to median earnings ratio ~~housing stock data~~ averaged over three years is considered to be appropriate and weighted accordingly

## **CHAPTER 5 – BROWNFIELD, GREY BELT AND GREEN BELT**

This chapter largely concentrates upon the issue of development in the Green Belt, of which there is none in North West Leicestershire and Leicestershire as a whole, therefore, this issue is not considered nor comments made in response to the various questions.

In respect of brownfield (or previously developed land) development, it is proposed to amend paragraph 124c of the NPPF to reinforce the expectation that development proposals on previously developed land are viewed positively. This makes clear that the default answer to brownfield development should be yes.

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



### Comments

The Council supports the emphasis upon the reuse of brownfield sites, although it does need to be recognised that the supply of such sites, particularly on a large scale, is not finite and that such sites often take time to bring forward. This is important when considering deliverability issues as part of the preparation of Local Plans.

## **CHAPTER 6 – DELIVERING AFFORDABLE, WELL-DESIGNED HOMES AND PLACES**

The government wants to increase the supply of social and affordable housing. To help ensure this occurs, it is proposed to amend the NPPF to include an expectation that any housing needs assessments explicitly consider the needs of those requiring Social Rent and that authorities specify their expectations on Social Rent delivery as part of broader affordable housing policies. Whilst the government supports local authorities in giving priority to Social Rent in the affordable housing mix that they seek, this is seen as a local matter and so the government will not be prescriptive.

Consistent with this, it is proposed to remove the prescriptive requirements relating to affordable home ownership products in the current NPPF. This includes a requirement to deliver at least 10% of the total number of homes on major sites as affordable home ownership and the requirement that a minimum of 25% of affordable housing units secured through developer contributions should be First Homes.

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

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

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

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

### Comments

The suggested changes would be less prescriptive than the current NPPF and other guidance. It is important that the differing needs of local communities are met as far as possible and so having the greater flexibility than is currently the case is welcomed. However, it should be appreciated that the delivery of social rented properties is predicated upon the capacity of Registered Providers to deliver new homes. This is a matter outside the scope of the planning system but needs to be considered by government as part of the wider housing provision agenda.

## Promoting mixed tenure development

To promote the delivery of mixed tenure housing developments, and the realisation of these benefits, it is proposed to introduce a new policy that expects local planning authorities to take a positive approach to mixed tenure schemes through both plans and decisions.

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

### Comments

The Council's adopted Local Plan already seeks to ensure a mix of house types, size and tenures. A strengthening of policy is to be welcomed.

## Supporting majority affordable housing developments

The government acknowledges that there will be circumstances where developments that are predominately (or exclusively) single tenure will be appropriate and should be supported, particularly schemes that deliver a high percentage of Social Rent (or other affordable housing tenures). However, it is acknowledged that that predominately or exclusively affordable housing developments can raise concerns, given evidence around the benefits of mixed communities. Views are therefore, sought on how to best promote sites of this type, while ensuring that adequate safeguards are in place that avoid unintended consequences. Views are also sought on the best approach for supporting affordable housing developments within rural areas.

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

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

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

### Comments

It is important that affordable housing is treated in the same way as private market housing and that the mix should be a reflection of local circumstances, including need but also viability. It would not be appropriate for national policy to be too prescriptive.

## Meeting the needs of looked after children

It is proposed to include a specific reference in the NPPF that when assessing the housing needs of different groups in the community and preparing planning policies, that the needs of

looked-after children are taken into account. This would support a previous written ministerial statement from May 2023.

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

No comments

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

In order to provide more support for community-led approaches to provide housing, it is proposed to amend the NPPF by expanding the definition of community led housing to include a group originally set up for a purpose other than housebuilding; and removing the size limit for community-led exception sites, where an alternative limit is established through the development plan.

Views are also sought on whether changes are needed to the definition of 'affordable housing for rent' in the Framework glossary to make it easier for organisations that are not Registered Providers, for example community-led developers and almshouses, to develop new affordable homes.

**Question 56:** Do you agree with these changes?

Comments

No comments

**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?

Comments

Providing the other aspects of the definition (i.e. the rent is Social or Affordable Rent or 20% below local market rents and is to remain affordable) are satisfied it would seem reasonable to allow for somebody other than a Registered Provider to be eligible to provide affordable housing, subject to their being adequate protection for tenants. This would be consistent with the current definition whereby landlords that are not a registered provider are included where the provision is a Build to Rent scheme.

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

The Government is concerned that small and medium (SME) sized housebuilders are not able to access the small sites that they need. As a result, most authorities preparing plans have been unable to identify enough small sites to reach the current 10% NPPF local plan allocation expectation. This is hindering local SMEs ability to identify sites to bring forward, build out, and for their businesses to grow. Therefore, views are sought on why authorities

are unable to identify 10% small sites and views on measures to strengthen small site policy through the NPPF, including the possibility of requiring a 10% allocation in all cases by removing the current caveat that there may be some places where strong reasons exist which mean this cannot be achieved.

**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?

Comments

Whilst small sites have been put forward as part of the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA), for various planning reasons most of these are not considered suitable for allocation on planning grounds or because there are questions about their deliverability as no developer is involved. There is a risk that requiring a specific percentage of sites to be suitable for small and medium sized builders will result in the allocation of sub-standard sites or sites which cannot be delivered. The latter could be addressed to some degree by ensuring the over allocation of sites compared to the housing requirement, but this is likely to be unpopular politically and amongst local communities particularly as housing targets are already challenging.

It should also be appreciated that the more sites that are specifically proposed as part of local plans would be likely to generate more comments and hence extend the plan preparation timetable contrary to the intentions to speed up the preparation of local plans.

### Requiring "well designed" development

The NPPF was updated in September and December 2023 to include references to the term 'beauty' and 'beautiful' when relating to well-designed development. It is proposed to reverse these changes as such references may result in inconsistency in how it is applied in decision-making, as many find the term subjective and difficult to define.

**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?

Comments

The Council supports retention of references to well-designed buildings and places and agrees beauty and beautiful may be subjective and difficult to define. However, planning authorities need some comfort that where poorly designed developments are refused planning permission, they will be supported by inspectors at appeal

### Supporting upward extensions

It is proposed to amend the reference to mansard roofs as a specific example of upwards extensions that would be supported as it places a disproportionate emphasis on one type of upwards extension.

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

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

No comments

## CHAPTER 7 – BUILDING INFRASTRUCTURE TO GROW THE ECONOMY

### Changes to the NPPF to support modern economies

It is proposed to provide specific support in the NPPF to support the following key industries:

- Laboratories
- Gigafactories
- Digital infrastructure
- Freight and logistics

Paragraph 86b is proposed to be changed so as require plans to include criteria and the allocation of strategic sites for the uses listed above.

Of specific interest to North West Leicestershire, paragraph 87b is proposed to be amended to ensure supply chains, transport innovation and decarbonisation are considered, in terms of the locational requirements of the storage and distribution sectors. These proposals aim to support the growth of the freight and logistics sector by encouraging decarbonisation, adaptation to changing patterns of global trade, and adoption of new and emerging technologies across its transport, distribution and storage operations.

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

#### Comments

These statements regarding the importance of the freight and logistics sector will add to the already significant pressure for logistics development that the Council is experiencing. Whilst recognising the need for and benefit of such uses, it is considered that this needs to be balanced out by there being a much greater recognition of the potential impact of such uses in terms of local communities who are impacted by the both the buildings, but also the traffic associated with such uses.

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

#### Comments

It would assist if the NPPF also recognised the need to create balanced economies that are not too dependent upon specific sectors.

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

In addition to the change of wording outlined above, the government wants to test whether digital infrastructure projects should be able to opt into the National Strategic Infrastructure Project (NSIP) regime by including data centres, gigafactories and laboratories to be prescribed as a type of business and commercial NSIP and be directed into the NSIP consenting regime through section 35 direction, on request and subject to certain conditions.

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

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

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

No comments

## CHAPTER 8 – DELIVERING COMMUNITY NEEDS

### Public infrastructure

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

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

#### Comments

The proposed change is supported

In order to ensure that there is sufficient choice of post-16 education places available it is proposed to incorporate reference to post-16 places to paragraph 99 of the existing NPPF to support the delivery of this type of education provision. It is also proposed to include reference to early years places, not just schools, to support the provision of additional nurseries so as to support people looking to rejoin the workforce.

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

### Comments

Whilst not objecting to the proposed changes, it is important to recognise that on their own they will not ensure that the government's goal is achieved. There will need to be investment by government and private sector partners.

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

It is proposed to amend existing paragraphs 114 and 115 to include references to having a "vision led approach" to promote sustainable transport solutions as part of new development instead of the more traditional 'predict and provide' approach which the government argues is too simplistic and pays "insufficient regard for the quality of places being created or whether the transport infrastructure which is planned is fully justified". A vision led approach would mean "working with residents, local planning authorities and developers to set a vision for how we want places to be and designing the transport and behavioural interventions to help us achieve this vision".

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

### Comments

Seeking to create quality places is a key role for planning and is something that this Council fully supports. A "vision led approach" has the potential to assist in this by designing in a greater range of travel options including walking and cycling from the outset. This, in theory, should help to create more sustainable development and also has the potential to be more cost effective. However, it is important to recognise that this does not necessarily negate the need for road improvements as part of a wider package when planning new development, particularly large-scale development. It should also be appreciated that needing to work with a wide range of stakeholders could potentially delay bring forward development, contrary to the government's wishes.

## **Promoting healthy communities**

Views are sought on possible ways that the planning system can do more to support the creation of healthy communities. This includes tackling obesity, encouraging active travel and supporting a healthy childhood, such as through more consistent approaches to controlling hot food takeaways near schools.

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

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

### Comments

In order to promote healthy communities, it is important that local authorities work with key stakeholders across a range of initiatives to ensure a joined-up approach, including better design and a better understanding of existing issues.

## CHAPTER 9 – SUPPORTING GREEN ENERGY AND THE ENVIRONMENT

### Supporting onshore wind

On 8 July, the Chancellor announced that footnotes 57 and 58 to paragraph 163 of the existing NPPF, which placed additional tests on onshore wind schemes, including demonstrating proven community support, would no longer apply to decisions. The government is of the view that in effect, this created a very high bar for consent to be granted and led to very significant under-delivery of onshore wind schemes.

The Chancellor's also included a commitment to consult on bringing onshore wind back into the NSIP regime.

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

#### Comments

The Council supports the proposal, subject to ensuring adequate measures are put in place to ensure that the concerns of communities are properly addressed through the process.

### Supporting renewable deployment

It is proposed to amend existing paragraph 163 of the NPPF to direct decision makers to give significant weight to the benefits associated with renewable and low carbon energy generation, and proposals' contribution to meeting a net zero future. In addition, paragraph 160 would seek to set a stronger expectation that authorities proactively identify sites for renewable and low carbon development when producing plans, where it is likely that in allocating a site, it would help secure development.

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

#### Comments

Notwithstanding the retention of the former wording about securing development, the reference to requiring authorities to identify sites for renewable energy generation as part of plans will be onerous and require significant resources and time to assess potential sites. This potentially will delay the preparation of plans at a time when the government is seeking to speed up plan production. Furthermore, there is a concern as to how Inspectors might interpret this change which could result in additional work or, a worst-



case scenario, potentially result in a plan being considered unsound. The Council considers that the existing wording is appropriate and should not be changed.

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

No comments

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

The Planning Act 2008 requires that decisions in respect of solar and onshore wind projects with a generating capacity of more than 50 megawatts (MW) would be determined by the Secretary of State under the NSIP regime. However, changes in technology that have taken place since, mean that many small or medium-sized projects now exceed the existing 'nationally significant' threshold which can be a barrier to the accelerated and streamlined deployment. Therefore, it is proposed to increase the threshold above which proposals are considered to be national significant to 100MW for onshore wind projects and re determined as Nationally Significant at 100MW and 150ME for solar 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?

**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?

#### Comments

The proposed change will result in more applications falling to local authorities to determine which will have resource implications, notwithstanding the fact that such applications will involve a planning application fee.

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

No comments

### **Tackling climate change**

Views are sought on what stronger action can be taken to ensure that the planning system plays a powerful role in helping to mitigate and adapt to the effects of climate change. The issue of the potential problems of using carbon assessments when assessing proposed development is noted. Views are also sought on how the current planning policy for flood risk could be clearer or more proportionate.

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

No comments

**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?

Comments

Any tools need to be simple to use whether for local authorities or applicants' site promoters to avoid costs and delays in preparing plans and determining planning applications.

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

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

Comments

Addressing climate change requires initiatives across a broad range of policy areas. In particular, the Council would question whether planning is the correct tool. In particular, could more be achieved through the Building Regulation process rather than through planning.

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

In December 2023, a footnote was added to the NPPF that made the availability of agricultural land for food production an explicit consideration in determining if sites are appropriate for development. It is proposed to remove this as it provided no additional benefit to additional policy and it gives no indication of how authorities are to assess and weigh the availability of agricultural land when making planning decisions.

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

Comments

The Council supports the proposed removal of this text which would be likely to be an important issue as part of the examination of plans, but without any clear indication as to how the Council as the local planning authority would be expected to come to a balanced view.

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

No comments

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

In order to provide water undertakers with greater certainty on the planning route for their new strategic water infrastructure and to support faster delivery to address the increasingly frequent issues with water scarcity and quality, a number of potential changes to the Planning Act 2008 are suggested by bringing various aspects into the NSIP regime including infrastructure which transfers treated drinking water.

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

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

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

No comments

## **CHAPTER 10 – CHANGES TO LOCAL PLAN INTERVENTION CRITERIA**

This chapter seeks views on whether to update the local plan intervention policy criteria or to remove the criteria. Currently, decisions on intervention are made in line with relevant legal provisions and on the basis of intervention policy criteria set out in 2017 Housing White Paper and include where policies have not been kept up-to-date and progress on plan making has not progressed. These criteria have been used on several occasions over the past seven years.

The government is suggesting two possible approaches:

- Removal of local plan intervention policy criteria whereby Ministers would approach any future decisions on intervention with substance, rigour, and an open mind, and in the context of relevant legal tests.
- Revision of the local plan intervention policy criteria that could include a failure to do what is required to get their plan in place or keep it up to date, with possible measures including the issuing of plan-making directions through to the removal of plan-making powers. It is suggested that that decisions on intervention should have regard to local development needs; sub-regional, regional and national development needs; or plan progress.

In both cases local planning authorities would also be given the opportunity to set out any exceptional circumstances that might be relevant.

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

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

Comments

Intervention in plan making by the Secretary of State should be a last resort and only where it can be demonstrated that a local planning authority is deliberately avoiding its responsibilities. It is important that any intervention criteria are published and then adhered to in order to ensure for transparency and confidence in the plan making system. The opportunity for an authority to identify any exceptional circumstances, for example a delay in crucial evidence gathering, is important and welcomed.

## **CHAPTER 11 – CHANGES TO PLANNING APPLICATION FEES AND COST RECOVERY FOR LOCAL AUTHORITIES RELATED TO NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS**

It is proposed to increase the planning application fees for householder applications to better reflect the cost of processing them. A fee of £528 is suggested, an increase from the current £258. Views are sought on whether a smaller increase of say 50% would be more appropriate. It is not proposed to increase the fees for major applications as these were increased by 35% in December 2023 and government estimates that the fees from major applications “broadly meet cost recovery levels”.

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

Comments

Yes

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

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

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

Comments

Yes

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

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

Views are sought in respect of whether other application types (excluding section 73 and section 73B applications) where the current fee does not cover the cost to the local planning authority of processing and determining these applications, should be charged a fee and if so what it should be.

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

#### Comments

The fee for prior approvals is considered to be inadequate as they often involve the same level of officer time as a planning application.

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

Views are sought as to whether a number of applications, such as such as listed building consents and works to trees that are protected because they are located in a conservation area or by a Tree Preservation Order, should be subject to a fee. Such a fee could be to cover the full cost or a small flat administration fee only to cover the administration, consultation and publicity costs of applications.

**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.

#### Comments

Fees are not charged for these applications, principally for the reason that owners cannot opt out of these designations and such designations confer burdens with regard to preservation and maintenance that are in the public interest.

Not all applications for listed building consent relate to just preservation and maintenance and there is a significant cost to the Council for applications, including the need to employ specialist conservation officers.

The fees also need to cover the full cost, including publicity required for these types of application.

## Localisation of planning application fees

The consultation is seeking views on whether local authorities should be able to set their own fees and puts forward two possible options:

- Full localisation – whereby all local planning authorities would have to set their own planning fees to achieve, but not exceed, cost recovery.
- Local variation – whereby the nationally set default fee would be maintained but local planning authorities would have the option to vary the fees within prescribed limits where they consider the nationally set fee does not meet their actual costs. Local authorities would not be under a mandatory requirement to set their own fees.

**Question 94:** Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?  
Please give your reasons in the text box below.

### Comments

No, the process is far too complex and from experience the last time this matter was considered led to considerable differences between local authorities which were not clear to understand for applicants, agents and developers.

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

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

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

Neither

Don't Know

### Comments

Neither, but consideration should be given as to whether an additional nationally set fee could be charged where an area is covered by a special designation, such as a special area of conservation, where a significant amount of additional officer time and specialist officers is required.

## Increasing fees to fund wider planning services

The consultation is seeking views on whether fees should be increased so as to cover other aspects of a local planning service, such as enforcement and plan making. It notes that fees would need to increase by 157% to cover the cost of all services and would require primary legislation. In addition, the consultation noted that it could be argued that “wider planning services represent a public service that should be paid for by other council budgets, funded by the taxpayer, not by individual applicants”.

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

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

Comments

No

**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?

Comments

It is considered that charging fees for other services such as those referred to in the consultation would not be appropriate. Any fee income that is received over and above that budgeted for should be reinvested in the planning service.

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

Views are sought on whether to make provision to allow host upper and lower tier (or unitary) local authorities to be able to recover costs for relevant services provided in relation to applications under the National Significant Infrastructure Projects, although it notes that many authorities negotiate planning performance agreements with applicants, which can provide funding for an agreed level of service.

**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?

Comments

Yes

**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.

Comments

All local authorities should be able to charge a fee to recover their costs as there is a significant amount of officer time which would normally be covered by a planning fee.

If there is a planning performance agreement (PPA) in place the fee could be waived providing the local planning authority costs are covered by that PPA.

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

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

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

No comments

## CHAPTER 12 – THE FUTURE OF PLANNING POLICY AND PLAN MAKING

### Transitional arrangements for emerging plans in preparation

The consultation sets out a series of transitional arrangements for the preparation of emerging local plans. The consultation says that “All plans at earlier stages of preparation - (i.e. plans that have not yet reached Regulation 19 stage one month after the revised NPPF is published) - should be prepared against the revised version of the NPPF and progressed as quickly as possible”.

The government intends to implement the new plan-making system as set out in the Levelling- up and Regeneration Act from summer or autumn 2025. For plans under preparation in accordance with the current regulations they will need to be submitted by no later than December 2026 (compared to the end of July 2025 as previously proposed).

It is considered that the transitional arrangements are sensible whilst still maintaining pressure to bring forward new plans. In particular, it recognises the practical issues that would arise with a new system coming into place in summer 2025, but with no regulations presented for consultation, never mind agreed.

The Council's current Local Development Scheme envisaged agreement by the Council of a Regulation 19 plan in December 2024 with submission in May 2025. In view of the volume of responses received to the consultation on the draft Local Plan, together with the issues these and other work has raised, including the need to undertake and complete detailed transport modelling work, it is not going to be possible to meet these dates. However, the transitional arrangements set out in the consultation will enable preparation of the plan to continue under the current Regulations. Officers are currently considering a revised timetable.

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

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



### Comments

The Council welcomes the proposed change to allow plans such as that being developed for North West Leicestershire to be submitted by December 2026 as striking balance between the need to ensure that the necessary evidence can be put in place and the need to get up-to-date plans in place as quickly as possible. Furthermore, it also avoids the potential loss of work previously undertaken and an additional financial burden to the public purse.

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

It is proposed to explore the creation of a more accessible and interactive, web-based set of national policies (both in the form of National Development Management Policies and national policies for plan-making). Consideration will also be given to how other policies such as the Planning Policy for Traveller Sites should be set out in future, including which aspects need to form part of the suite of proposals for National Development Management Policies.

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

No comments

### **CHAPTER 13 – PUBLIC SECTOR EQUALITY DUTY**

The government is seeking views about any potential impacts arising from its proposals on businesses, or of any differential impact on persons with a relevant protected characteristic as defined by the Equality Act 2010 compared to persons without that protected characteristic, together with any appropriate mitigation measures, which may assist in deciding final policy approaches in due course.

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

No comments