

# **Response of the Greater London Authority to the consultation questions for Proposed reforms to the National Planning Policy Framework and other changes to the planning system:**

## **Summary**

- We share the Government's ambition to boost homebuilding as part of the Mayor's vision for delivering the homes that Londoners need whilst promoting the capital's economic growth. Action is needed now to both deliver a short-term boost to housebuilding and reduce the risk of a longer-term loss of capacity in the construction sector.
- There are currently planning permissions for just over 300,000 homes in London that have been consented but not yet built out. While sensible reform of the planning system will play a role and work is underway on the next London Plan which is considering how to unlock further housing supply, in most cases the planning system is not the main barrier to the immediate delivery of new homes, where the main challenges are viability and capacity.
- The Mayor has set out some of the interventions that are needed to address these challenges and boost housing building in London and we stand ready work with you in the implementation of these interventions as the necessary funding packages and policy and legislative changes are established.
- We strongly support the greater emphasis on the delivery of social rent and other affordable housing to address housing need, whilst also recognising the importance of a mix of tenures to support a higher level of housing delivery, faster build out and thereby helping to achieve London's housing targets.
- We remain of the view that a brownfield first focus should continue to be pursued. This requires investing in the infrastructure that will unlock the remaining big reservoirs of brownfield land such as Thamesmead.
- But alongside this, the Government's Golden Rules for Green Belt release including the 50 per cent affordable housing requirement are welcome, as are supporting infrastructure and good quality green space.
- Any development on Green Belt must be appropriate in terms of its location, density and sustainability. Such release and subsequent development should be enabled through mechanisms to optimise densities that ensure we make the best use of land being released and create liveable neighbourhoods, which will include provision of public transport. Car-dependent and low-density development does not represent good growth and 'wastes' land that is released - but to date this has been typical in Green Belt release due to the lack of supporting transport infrastructure that would unlock significantly greater development capacity. The integration of land use planning, housing and transport is fundamental to delivering higher productivity, improved public health outcomes, environmental benefits and better quality of life in urban contexts. The Mayor is keen to work in partnership with the Government to help achieve this.
- The focus on previously developed land and grey belt in accessible locations is a sensible element in the approach to Green Belt release. And this could also support opportunities for industrial land swaps that could facilitate optimised housing development in other locations. Within London, where we have a Spatial Development Strategy we would like to work with government

on a bespoke approach which would optimise the use of land for liveable neighbourhoods at appropriate densities rather than a more ad hoc release. This approach would also better facilitate the transport infrastructure needed to create the additional development capacity, bringing forward additional land capacity through strategic planning across the whole housing market area alongside other mechanisms to ensure pace and quality in the delivery of significantly more homes.

- We welcome the Government's commitment to sustainability and believe strong environmental standards can complement, not hinder, house-building and development. Developments that help achieve net zero, improve health (including by tackling poor air quality), restore nature and adapt to climate change, go hand in hand with delivering high-quality, resilient housing and infrastructure that is fit for the future. There is no evidence that strong environmental standards hinder growth. Indeed, rowing back on environmental planning requirements will create uncertainty for developers, and inefficient, non-resilient buildings could require expensive remedial action in future.
- Full and detailed answers to the consultation can be found below.

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

Yes

**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?**

Neither agree nor disagree. To strategically plan to meet housing need, the rationale for a consistent set of housing need figures covering the country is understood.

We would however make a number of key points / recommendations:

- For Mayoral Development Corporations which are local planning authorities, boundaries may not align with common geographies for data collection and analysis. This could create additional complexity in following the Standard Method. The Government should provide additional guidance for such local planning authorities.
- The amendments do not address the existing shortcomings of the Housing Delivery Test, which seeks to incentivise planning authorities to create the conditions for increasing housing supply. As set out in Q6 below, consideration should be given to reviewing the long-standing approach in national policy to how planning authorities' performance is measured.

Separately, the NPPF should make clear that where a Spatial Development Strategy (SDS) is in place, individual local authority housing requirement figures are established/adopted in the SDS rather than in local plans. This will be informed by the local housing need assessments for relevant local planning authorities as referred to in paragraph 62 of the proposed NPPF. Establishing the local housing required figures is a key purpose of an SDS, as seen in successive London Plans since 2004. However, it has never been explicitly set out in national policy, giving rise to confusion and ambiguity. Given the formal strategic planning mechanisms trailed for new legislation, it is important the key role of SDSs is clear from the outset.

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

Yes.

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

Yes. We support this proposed change to enable the use of land to be optimised by delivering appropriate densities. Alongside delivering much needed new homes and supporting infrastructure, well-designed higher density developments in appropriate locations that are well served by existing and planned infrastructure can deliver a wide range of environmental, social and economic benefits.

We also support strengthening expectations that plans should promote an uplift in density in urban areas. London's designated Opportunity Areas fulfil a key role in London to support this ambition and we are happy to work with Government and stakeholders to see if - and how - they could be further enhanced.

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

Yes, focusing design codes in areas with the greatest opportunities for change in line with a sustainable spatial vision for the area will help make more effective use of local planning authority resources. It is noted that this will include significant areas for change within existing urban areas, as well as the "development of large new communities".

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

Changes to sub-paragraph 11d), 11d) ii and Footnote 8 are welcomed.

We recognise this approach pre-dates this government and would welcome further discussion on measures that are more immediately within the control of planning authorities to increase housing supply. We believe that this would provide the greatest incentive to Local Planning Authorities (LPAs) to bring forward capacity and take the action that is within their locus. This relates specifically to Paragraph 11 and Footnote 9.

The glossary definition of 'deliverable' removes many sites from the available land supply (noting that they can be included in the buffer). As such, local planning authorities have limited tools to demonstrate a five-year land supply in constrained urban areas particularly during sluggish economic conditions. Similarly, the Housing Delivery Test which relies on housing completions, are not within the control of the local planning authority irrespective of their level of ambition.

It would be good to discuss how alternative performance measures such as land supply, timely plan-making and PS1/PS2 returns could be more beneficial measures of planning authority performance and support for delivery. Further, measures to ensure allocated sites do not remain undelivered over decades could also be explored further, potentially complemented by further legislation (see also Q7 below). As noted, whilst these fall outside the scope of the current proposed amendments to the NPPF and are part of a long-standing approach, it is considered that a review of the measures in play could

produce a more effective and responsive set of measures to ensure planning authorities take purposeful steps to increase housing supply.

Footnote 9 would also benefit from greater clarity about what “the housing requirement” means. This should be made explicit at paragraph 62 or the glossary, to complement the text at paragraph 67 relating to strategic policy-making authorities.

**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?**

Agree in part. It is important that planning authorities maintain an up-to-date land supply position. However, as set out in Q6 above, it is considered that the long-standing approach in national policy would benefit from a review to ensure planning authorities are measured against a range of metrics that they have control over and can therefore take meaningful steps to influence.

A key objective is for the planning authority to ensure sufficient land supply to meet housing needs through their plan-making functions. However, as noted above, this is not currently one of the tests of planning authority performance. For example, even if a planning authority identifies a site that is ready and suitable for housing and includes it on Schedule 2 of its Brownfield Register (i.e. with permission in principle), it may still not be possible to demonstrate it is deliverable within 5 years due to the site owner/promotor delays or lack of response.

Consideration should be given to mechanisms such as land pooling, Land Assembly Zones and similar, particularly in conjunction with Development Corporations. Such pooling arrangements are in place for the Old Oak and Park Royal Development Corporation and the GLA/OPDC would be happy to provide more details. These powers, together with Schedule 2 of the brownfield register, could significantly increase land supply and availability for development.

Officers would be happy to discuss potential legislative changes further to provide the tools for authorities to bring sites forward.

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

Yes, but see also Q6 and Q7 above.

Further amendments to 76b) should make clear that the buffer may be needed where there is insufficient development activity or landowners and promoters have not bought forward sites.

Example amendments could be:

*76. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should monitor and update annually the supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing<sup>42</sup> against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old<sup>43</sup>. The supply of specific deliverable sites should in addition include a buffer of additional sites (moved forward from later in the plan period) of:*  
*a) 5% to ensure choice and competition in the market for land; or*

*b) 20% where delivery of housing over the previous three years has not kept pace with the planning authority's requirement, to improve the prospect of achieving the planned supply<sup>44</sup>.*

*<sup>44</sup> This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.*

We would welcome provision of updated guidance on the accounting of over-supply in relation to a five-year land supply. Currently guidance is silent on how to treat a situation where an LPA has delivered more homes than required since the start of the plan period. In our view it would be beneficial to align the position to that taken on setting a stepped housing requirement, where the key outcome is to avoid any unnecessary delay in meeting identified development needs.

**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, because this enables planning authorities to indicate sites are available for housing development even where they cannot evidence that they are 'deliverable', sending positive market signals.

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

If a buffer is introduced, it should be no more than 5%. There may be cases where local planning authorities have a significantly constrained land supply, particularly inner urban areas, or those with significant heritage or other environmental constraints for example. The Government should consider providing additional guidance for exceptional circumstances where divergence from the buffer may be justified.

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

Yes.

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

Yes. Effective co-operation on cross boundary and strategic planning matters is essential to delivering sustainable growth and ensuring spatial issues are addressed at the appropriate scale. The emphasis on the need to build integration and consistency with the relevant investment plans of infrastructure providers, and a consistent approach to planning the delivery of major infrastructure including utilities is strongly supported.

The coverage of strategic plans within 5 years is also supported and could help provide a framework for sustainable, inclusive, and balanced development across the country, which balances national priorities with regional diversity and competitiveness. These provisions need to be clear that cross-boundary working on strategic plans should focus on strategic partners and bodies once in place. For example, it is not possible for the Greater London Authority to work meaningfully with individual local authorities surrounding Greater London across the wider South East.

The new paragraph 27 is a good step forward. However, there is a difference between consistency, (a 'jigsaw' type approach) and cross-boundary planning that achieves better outcomes by issues (such as the distribution of housing growth or energy master planning) being properly considered *at the sub-regional level* via a strategic plan. This means for example, that possible locations for development are considered on a cross-boundary basis from the start, rather than each authority going through their own list of sites/locations and then working out what unmet need is left. The worst performing

locations in one authority may be better in sub-regional terms than those in another authority. Functional relationships (such as access to key places of employment) that work across boundaries also need to be factored in, in doing so. It is therefore important that related ambiguity in underlying PPG regarding the setting of housing requirements through strategic plan-making is resolved (see also Q2).

There is an opportunity for the NPPF and associated updates to national planning guidance to be more directive on what co-operation on cross-boundary matters entails. This could include updates to planning policy guidance on the expected content and preparation of statements of common ground. This may consider better adoption of tools such as Local Area Energy Plans and Integrated Water Management Strategies as a means of enabling dialogue and information exchange on proposed growth between local planning authorities and utilities. Such strategies are resource intensive and are not currently mandated in water or energy legislation but could be pointed to in the NPPF and associated national planning policy to facilitate more informed co-operation on strategic planning matters.

There is an urgent need for the planning system to better account for the impacts of decisions taken by one LPA on another LPA, and more strongly support local planning authorities to address cascading interdependencies or impacts on other LPA's decisions. Examples in the London context including Vauxhall Nine Elms Battersea development impacting on wastewater capacity in Deptford, or growth in data centre development in Hillingdon creating electricity network capacity issues impacting on housing delivery in Ealing and Hounslow. This is a growing issue and not only impacts significantly on electricity capacity but where this entails 'stretch connections' this also impacts on road network and other disruption.

A further challenge is that LPAs cannot always meaningfully engage with strategic cross-boundary water and energy plans developed both by other LPAs, national agencies (such as the Environment Agency) and infrastructure providers. The impact of these plans on LPAs often require modelling to allow for the impacts to be fully appreciated on their areas. There is currently no national policy or guidance which mandates how this is undertaken, by whom, and how this is funded. In the case of water and energy, the GLA has found it helpful to undertake modelling at the appropriate system scale (subregional – comprising 7-9 LPAs in London) to clarify impacts. The GLA have used sector endorsed methodologies (Energy Systems Catapult LAEP methodology in the case of energy and a catchment approach to Integrated Water Management Strategies in the case of water).

Moreover, the way paragraph 27 is drafted implies that local plans would be taking the lead and strategic plans falling in place around them. It may be helpful to distinguish between strategic policies (which could be in local or strategic plans) and strategic plan-making. It may also be helpful to acknowledge that there will be a transitional period where comprehensive strategic plan coverage does not yet exist, but local plans should continue to be prepared within clear parameters. This needs to link to the soundness test below.

It is also noted that paragraph 24 is silent on Combined Authorities and the GLA which leaves some unhelpful ambiguity as to how these bodies should interact both with constituent authorities and other neighbouring authorities.

Below are some suggested amendments to new NPPF paragraph 27 and 28.

#### Paragraph 27

*"Once the strategic matters which require collaboration have been identified, strategic policy-making authorities should make sure that their plan policies are consistent with relevant bodies where a strategic relationship exists on these matters, and with the relevant investment plans of infrastructure*

*providers, unless there is a clear justification to the contrary. In particular their plans should ensure that:*

*a) where appropriate, a consistent approach is taken to planning the delivery of major infrastructure, such as major transport services/projects, utilities, waste, minerals, environmental improvement and resilience, and strategic health, education and social infrastructure (such as hospitals, universities, major schools, major sports facilities and criminal justice accommodation)..."*

#### Paragraph 28

*"In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency. Plans come forward at different times, and there may be a degree of uncertainty about the future direction of relevant development plans or plans of infrastructure providers. In such circumstances strategic policy-making authorities and Inspectors will need to come to an informed decision on the basis of available information, including evidence related to the duty to cooperate, rather than waiting for a full set of evidence or published/adopted plans from other bodies".*

These suggested amendments would:

- align with phrasing in section 33A of the Planning and Compulsory Purchase Act (PCPA) and other parts of this section of the NPPF.
- clarify that when plans come forward at different times then evidence related to duty to cooperate can be considered and that a full set of published/adopted plans from other bodies is also not necessary.

There may be circumstances where planning authorities will have justified reasons for being inconsistent. Sometimes inconsistencies may be due to plans or published documents coming forward at different times and, in these cases, it is not possible to wait for everything to line up in order to show consistency. Also, local planning authorities may need to adopt different policy responses to certain issues based on their Local Plan evidence base. Therefore, we welcome the following wording in new paragraph 27, "unless there is a clear justification to the contrary".

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

Yes. The tests of soundness are good in principle and easily applicable to different scales of plan-making. However, clarification is needed in respect of strategic planning to mimic that at paragraph 36 (37) for non-strategic policies – the importance of proportionality. SDSs can only go so far in demonstrating deliverability for instance (the effectiveness test) given that they are dependent on local plans to add site allocations and other detail, including Green Belt boundary amendments (unless SDS regulations change).

This is also relevant to the 'justified' test – whilst this already references 'proportionate evidence' what this means in practice should be more clearly stipulated in PPG if necessary. A cross reference to the additional text added to paragraph 27 (28) about evidence base co-ordination would also be helpful. And as noted above, the approach to 'unmet need' should be fundamentally different in a strategic planning context as all need is shared from the start.

In relation to 'positively prepared' we would advise this takes better account of strengthening co-operation and the importance of engaging with not just other planning authorities but other bodies including infrastructure providers, as outlined in the proposed new paragraph 27. This should also recognise that the appropriate scale for positively preparing plans in terms of strategic energy and water matters may be sub-regional. This reflects the fact that more proactive cross-boundary working should not just be to address issues of need but help prevent issues, such as impacts on infrastructure capacity, that could act as a blockage to the delivery of housing and other new development. The GLA's continuing experience to unlock West London's electricity capacity constraints and its impact on housing delivery is a clear example of this.

In terms of the 'effective' test, we would advise that ensuring this test remains robust would require updates to the planning practice guidance around the expected content and preparation of statement of common grounds. This should reflect the need to better consider the investment plans of infrastructure providers in the preparation of local plans, in line with the proposed paragraph 27.

In relation to proposals, there needs to be a greater degree of flexibility and pragmatism applied to large-scale regeneration projects to recognise that there will be a need for a significant infrastructure investment above and beyond what can typically be paid for by development and that sales values will take a long time to be established.

What are actually short-term shifts in the market are being taken as being in place for the plan period, rather than accepting that in large-scale long-term projects there will be fluctuations over their course. We should not embed these short term assumptions in a way that undermines the longer term deliverability, which will inevitably see a number of market cycles. This was the case with the examination in the Local Plan for the Old Oak and Park Royal Development Corporation (OPDC), a major strategic scale regeneration area in London around the planned HS2 station at Old Oak Common. Industrial land values underwent significant increases between OPDC undertaking its viability evidence in 2018 prior to submitting its plan and viability examination hearings occurring in 2019-20. On the request of the inspector, OPDC had to re-run its viability evidence and undertake a main modifications consultation which added over 2 years to the Local Plan adoption programme. It ultimately resulted in a significant 20ha development site being considered unviable and de-allocated, even though OPDC has provisionally secured £250m of Housing Infrastructure Funding (HIF) towards infrastructure to unlock its delivery. This HIF funding was conditional on the plan being considered sound and had to be handed back and ultimately this resulted in 6,000 homes of development capacity being lost.

One of the proposals in the plan-making reforms consultation (Levelling Up and Regeneration Bill: consultation on implementation of plan-making reforms, Question 16) posed the freezing of data to help avoid lengthening examinations and this would help to address the above issues arising during examination.

However, consideration should also be given to how as long-term, strategic regeneration projects, viability and deliverability/developability should be considered much more flexibly and pragmatically.

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

In the 'preparing and reviewing plans' section, it is important to underline the need for local plans to integrate land use and transport planning. Local plans should be supported by evidence-based transport strategies which enable the development proposed to be sustainable in transport terms (which in turn supports a wide range of other policy goals).



The NPPF could also set out the case for standards in consistent data collection and analysis which would enhance data-driven decision-making. The Government has a key role to play and could consider setting up a technical body to enable this.

It may also be sensible to add in a conformity test for Local Plans, assuming vertical conformity is desired with more comprehensive strategic plan coverage, to ensure housing targets are not re-opened in subsequent Local Plans. While this is typically a feature of associated legislation (CA orders) it is helpful to present it in the round here and should be considered further in relation to the proposed universal coverage of strategic planning (see Q12). In addition to general conformity, there should be specified matters that are only and always dealt with in strategic plans once there is universal coverage.

Maintaining effective cooperation, particularly between local planning authorities and infrastructure providers, would require better alignment of the varying legal and regulatory systems at play regarding planning, environmental protection, energy, net zero, and utilities regulation. Clarity as to what the planning system can consider within decision making where proposals present a risk of affecting local energy and water capacity required for housing delivery would be beneficial.

Given current regulatory pressures on the UK's utilities to accurately forecast demand in the drive for decarbonisation and to avoid stranded assets, there is a need for nationally planning policy to make clear the role of local plans and the planning system in supporting how this infrastructure is planned for and delivered. The NPPF would benefit from a better recognition that a more strategic cooperative approach to integrating plan-making with infrastructure investment is critical to ensure much needed housing delivery is not held up by capacity constraints.

**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?**

Yes. There is no perfect model and in all cases an assessment of need will impact planning authorities differently, as acknowledged by the Secretary of State. Basing the method on housing stock is a rational and justified approach. The replacement of the arbitrary urban uplift is also welcome. The use of annually updated dwelling stock data as a baseline will mean that estimates of need do not rely on household projections that are often outdated and, in some areas, reflect previous under-supply of housing that has suppressed population and household growth. Finally, it should mean greater stability over time in the resulting estimates of need.

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

Yes. However, note response to Q18 on an approach to including rental affordability within the adjustment factor.

**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?**

In principle, a measure of affordability should incorporate rental affordability as well as purchase affordability. Rents better represent the costs borne by a large share of the population, they are less affected by outside factors such as credit conditions and interest rates, and as a result they are less volatile over time.

A measure of rental affordability at local authority level could be constructed by comparing average private rents from the ONS Price Index of Private Rents to average earnings. Further investigation may be required to determine whether the comparison should be to median or mean earnings. The indicator of rental affordability could then be combined with the indicator of purchase affordability, with each given a weight based on the share of rented and owner-occupied homes in the private housing stock in that local authority.

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

It is well documented that the predominant delivery model will not deliver at a rate which would result in house prices coming down (absorption rate). See [Housebuilding market study](#) February 2024 Competition Markets Authority and [Independent Review of Build Out](#) October 2018 Sir Oliver Letwin MP. Therefore, increasing London's housing need figure to 81,000 will not in and of itself deliver those homes via private sector-led, speculative house-building which is currently the primary model for housing delivery. The government will need to work closely with the Mayor to support and put in place a range of complementary delivery models to meet London's housing need. The Mayor looks forward to working with government on a range of delivery models to boost housing supply and deliver the infrastructure needed to create that additional development capacity.

The previous Government introduced a miscalculation for London in the London Plan Review chaired by Christopher Katkowski KC. National policy guidance stated that a cap should be applied at a local planning authority level, and this is the approach used by the GLA and development industry to calculate London's housing need. The London Plan Review figure did not apply the cap to individual London boroughs and therefore disappplied it to London as a whole, resulting in the incorrect figure of 98,796 homes per annum. The correct standard method figure for London calculated in April 2024 was 83,825. This is because 23 of the 33 planning authorities' need figures were capped at 140% of their adopted housing target, in accordance with national guidance.

It is noted therefore that London's housing need is broadly similar under both the previous standard method and the new standard method (3,132 homes per year smaller, not as was reported, a drop of 18,102).

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

Agree in principle.

The Government should set out its intentions for brownfield passports in more detail to enable meaningful engagement with this proposal. Brownfield passports are not defined in the NPPF or in any of the supporting material as part of this consultation.

Greater use should also be made of Schedule 2 of the Brownfield Register through a range of incentives. Currently there are limited incentives - reflected by the low take up. For example, homes identified in Schedule 2 of the register could contribute towards the five year housing land supply.

Almost all development in Greater London is on brownfield land (99.6% in the London Plan AMR 2021/22). In locations that have previously focussed on commercial development previously, more mixed use strategies including housing are being considered through the planning system (a plan-led approach). For example, discussions are underway in relation to the Northern Isle of Dogs. Overall, it is questioned whether or not the principle of housing development on brownfield sites is a barrier to housing delivery in London. It should be noted that where brownfield sites have been identified for uses other than housing (often in support of growth and the local economy), a 'brownfield passport' approach should not undermine a plan-led approach to non-residential uses.

**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?**

Agree in part.

Changes to 154g significantly lower the threshold for development on PDL within the Green Belt. However, its introduction is ambiguous and likely to result in significant perverse incentives, including to demolish and rebuild, in relation to 154b to 154e, which retain the higher thresholds of "preserve the openness", "disproportionate additions", "not materially larger". It is ambiguous which tests would apply in each case.

For example, where an existing building was being extended or altered, it would be restricted to extensions which were not "disproportionate" under 154c. Alternatively, an application for its partial or complete redevelopment could be made under 154g and be subject to the significantly less restrictive requirement to only "not cause substantial harm to the openness of the Green Belt".

All development on PDL should be brought together in a single sub-section and be subject to the same test, with separate provisions in place for land in the Green Belt that is not PDL.

It is essential that public transport provision is considered when considering development on PDL in urban areas and their hinterlands as there could be unacceptable impacts on the road network if car dependent development were to take place on such sites. Cities and regions should be able to define sustainable locations based on their own strategic contexts. References to sustainable locations are made in the modified text of paragraph 146 of the current NPPF.

**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?**

Expanding the definition of PDL to include hardstanding for planning application purposes introduces a risk that undeveloped land could be paved over, without affecting the openness of the Green Belt, potentially leading to new development sites being created. While any such change would still require planning permission, if development were to occur unlawfully, local planning authorities might lack the resources to enforce against it effectively.

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

We would welcome collaborative work with government to address an unintended consequence that arises out of the revisions to national Green Belt policy due to how London Plan Policy G3 Metropolitan Open Land is phrased. Currently under London Plan Policy G3 Part A, London's Metropolitan Open Land (MOL) is afforded the same 'status and level of protection as Green Belt land' – i.e. protection from inappropriate development with reference made to the NPPF tests.

MOL is a separate designation, which serves a different purpose to Green Belt land, providing London's strategic open space. The proposed changes to Green Belt policy will (until there is a new London Plan) have an impact on the application of London Plan Policy G3, which states: "*MOL boundaries should only be changed in exceptional circumstances when this is fully evidenced and justified, taking into account the purposes for including land in MOL set out in Part B*". The criteria referred to in part B are different than the purposes of Green Belt.

We would like to work with you on an approach that would ensure that London's valued open spaces continue to be protected and that exceptional circumstances/very special circumstances would continue to be required in respect of MOL (see also Q30).

It is also noted that the different purpose of MOL creates ambiguity in how the national policy changes could be applied. This could potentially be addressed in the Grey Belt definition or as part of guidance on land which makes a limited contribution to Green Belt purposes (See also question 25) - to make clear that the Green Belt policy approaches - including the addition to the "*exceptional circumstances*" to include "*instances where an authority cannot meet its identified need for housing, commercial or other development through other means*" - do not extend to Metropolitan Open Land. Alternatively, a Written Ministerial Statement could provide clarity.

In addition to PDL and Green Belt poorly performing against Green Belt purposes, consideration should be given to including locations that are sustainable or could be made more sustainable, in relation to proximity to transport and other infrastructure. This is usually more important than Green Belt performance or brownfield status in terms of bringing forward significant numbers of new homes.

Any release of Green Belt should be at appropriate densities with supporting public transport infrastructure to support a significant increase in the supply of homes from the land released. We would welcome further discussions about potential mechanisms where there is an SDS or Development Corporation in place. This will be necessary to optimise densities; overcome absorption rates; capture development value uplift to provide the necessary infrastructure – thereby ensuring that the number of homes delivered on released Green Belt is optimised (reducing the overall land needed to be released) and supporting the significant uplift in homes needed to meet housing need and transitional arrangements would also be required.

The application of the grey belt definition should only apply to decision-making where the conditions referred to above are not in place (i.e. there is no Spatial Development Strategy identifying Green Belt for release and/or Development Corporation in place).

As per response to question 36, 'footnote 7' (referenced within the grey belt definition) should be amended to add Local Wildlife Sites (known as SINC's in London) to the list of excluded land.

From a waste perspective, many sites that meet the proposed definition of grey belt would make suitable waste sites given their previous uses (e.g. defunct wastewater treatment sites) and already make little contribution to the five Green Belt purposes.

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

Whilst the Government committed to not removing the five Green Belt purposes, the purposes do not necessarily match perceptions of what the Green Belt is and why it is valued. We would welcome further consideration of climate change and biodiversity in the purposes, to complement the existing tests and bring them more in line with the current context.

Deliberate degradation of Green Belt sites to qualify them for grey belt may become a perverse incentive which needs to be considered. The five purposes (particularly preventing encroachment into the countryside), and the potential biodiversity connectivity value of the grey belt site should also be considered in addition to site condition or site-specific biodiversity value.

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

Yes, and it should be within the NPPF itself. Further explanation of “sustainable locations” mentioned in paragraph 147 and new paragraph 152 would also be welcomed. Please also see response to Question 23 and points relating to London’s Metropolitan Open Land.

It is unclear who determines whether sites meet the purposes of the Green Belt or not, and to what degree. Where planning authorities have undertaken a Green Belt review and that has formed part of the evidence base for an adopted plan, it should define the degree to which the purposes of the Green Belt are met for the duration of the plan. This recognises that it is important that the planning authority and other decision-makers, communities, developers and landowners all have a shared understanding of the degree to which sites perform against the purposes in paragraph 143.

**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?**

See response to Q24 above relating to the need for additional purposes of the Green Belt.

Paragraph 145 refers to reviewing Green Belt boundaries to meet housing needs in full, *“unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of the plan as a whole.”* However, the function of the Green Belt is currently unrelated to contributing to biodiversity, resilience to climate change, , despite its important role in these significant issues. The wording of question 36 suggests the Government recognises the importance of the nature-benefits of the Green Belt, but these are not included in its explicit purposes.

One example, while the supporting documentation for the NPPF changes notes that:

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

it is unclear how this is provided for in the proposed NPPF wording.

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

The Local Nature Recovery Strategies (LNRS) will comprise a statement of biodiversity priorities for London and a local habitat map. It will present existing areas of particular importance for nature (where it is protected), areas that could become of particular importance (spatial opportunity mapping for nature recovery), and the measures needed to achieve this.

The statutory guidance for the production of LNRSs states that Responsible Authorities “should actively seek to target areas that could become of particular importance inside the Green Belt” where Green Belt is present.

For London, the key landscape-scale opportunity is on the Green Belt. LNRS opportunity mapping will identify locations and measures for landscape-scale ecological network enhancement. Any areas identified as those that could become of particular importance for nature recovery in the Green Belt would be important candidate sites for enhancing biodiversity. Note that this does not necessarily mean they would be suitable for other enhancements (such as recreation), as this would depend on the measures proposed in the LNRS.

The LNRS needs to be properly and appropriately reflected in the NPPF with, rules / guidance established for assessing planning applications, specifically for the new opportunity areas located outside the existing designated site network (areas that could become of particular importance), but also including currently designated Local Wildlife Sites and Sites for Importance for Nature Conservation.

The full NPPF consultation detail suggests that areas identified in the LNRS could be excluded from the ‘grey belt’. There needs to be join up on the status of LNRSs in the planning system - including areas that could become of particular importance in the ‘grey belt’ could (a) hamper efforts of local planning authorities to ‘take account of’ the LNRS (b) increase the likelihood that the opportunity on that site is lost.

Grey belt areas should not be locally defined until the LNRS is complete and applied. The LNRS will play a vital role in understanding future connectivity of sites for the purposes of nature recovery. Grey belt designation in advance of this would undermine the ability to protect potentially important connecting sites.

**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?**

As set out above in response to Q.23, locations with PDL may not always be the most sustainable locations for release. A strategic approach to releasing land would ensure wider factors and opportunities can be taken into account, and authorities should define what constitutes a sustainable location based on its unique context. This should explicitly be linked to public transport infrastructure (existing or planned).

Clearer wording should be used to prioritise sustainable locations (or locations that can be made more sustainable) that optimise the number of homes that can be accommodated on released Green Belt land as the first step in the sequential test, and within those locations, PDL as the second step. Potential for land swaps should be considered where PDL can be used for biodiversity, nature recovery

and access to green space for people while releasing better located/more sustainable land for housing or other commercial uses such as industrial.

Ad hoc, smaller-scale, low density, car-led development (which would be most likely to come forward with a simple focus on 'grey belt') will not deliver the number of homes or the type of development needed to meet housing needs. We would welcome further discussions on this.

**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?**

In part, noting that it is unclear whether this is a test against (and limited to) the purposes of the Green Belt in paragraph 143, or a wider consideration. This should be clarified within the NPPF.

If it is limited to the Green Belt purposes, the functioning of the Green Belt needs to include an updated set of purposes that also encompasses biodiversity, mitigating and responding to climate change, infrastructure and resilience (see Q26 above).

If undermining the function of the Green Belt is not intended to be limited to the purposes set out in paragraph 143, further clarity is required to define how this would apply.

**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?**

An alternative approach is recommended in London (where there is a strategic planning framework), which aligns with the principle / objective, but would better optimise housing supply and support the infrastructure improvements needed to unlock significant additional development capacity.

Release of individual sites through development management risks under-optimisation of sites. Significantly higher housing delivery and more sustainable communities would be possible through comprehensive master-planning and commensurate investment in infrastructure to create liveable neighbourhoods. Other mechanisms, such as Land Assembly Zones, could also be considered to provide a more comprehensive and coordinated release of land for development that deliver the numbers of homes needed at densities that provide for sustainable neighbourhoods and support infrastructure investment and local services.

This process should also accommodate the potential for land swaps for example where industrial development is brought forward on grey belt to facilitate the release of industrial land for housing in another (non-Green Belt) location.

We believe the appropriate test should be whether the authority has an up-to-date adopted housing requirement figure, rather than the Housing Delivery Test or five year housing land supply.

Even where an up-to-date plan is not in place, it is suggested that mechanisms are put in place to enable strategic planned release of Green Belt (such as through the Brownfield Register) to make up the shortfall in housing land supply. This would ensure the development potential of sites can be optimised, the cumulative infrastructure needs can be planned for and funded, and development comes forward in the most appropriate locations.

**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?**

The proposals to allow the release of grey belt to meet demand for commercial and infrastructure uses – in particular, uses that are crucial to London’s economic growth - are welcomed, providing development for these uses promotes and facilitates sustainable transport use and does not lead to detrimental impacts on the road network (or inappropriate development of that network in urban areas). Grey belt land could potentially accommodate some of these uses, including those specifically identified in the changes to the existing paragraph 86b. These may need relatively large plots and/or good access to the freight transport network, which could in some areas be challenging to identify on brownfield land.

There might also be opportunities to move some industrial uses currently close to public transport hubs to the grey belt, freeing up land for high-density housing near such hubs. However, this should not lead to an unsustainable distribution of important commercial and infrastructure uses across London. For example, waste management or logistic uses which need to be in proximity to central London, should not be pushed out with associated impacts on London’s economic and global-city functions.

It is also important that the re-development and modernisation of existing commercial and industrial estates is not undermined by development opportunities in the grey belt. The intensification of land for commercial including industrial uses should be prioritised where appropriate.

In general terms, a clear distinction between Green Belt, grey belt and brownfield development (for example, if the first always implies the second) and a registration process for grey belt sites could be useful. Some relevant qualifying terms, for example ‘limited contribution’ in the definition of the grey belt, may benefit from additional specificity to ensure their consistent implementation.

**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?**

Yes, the approach to meet the needs of the Traveller community should be the same as that for other housing. Additionally, there should be specific transitional arrangements for existing unauthorised sites on PDL.

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

Specific provision should be made that any unmet need for Traveller pitches are accommodated as part of the Green Belt review through site allocations developed with the Traveller community as part of the local plan review, identifying potential Traveller sites as part of the SHLAA or similar exercise. The aim should be to achieve parity in plan-making for Travellers.

National guidance should also be updated to meet the needs of this community as part of wider plan-making and decision-making activity.

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



We support the proposed approach which recognises the benefit of maximising affordable housing through limited Green Belt release. We support the Government's greater emphasis on the delivery of social rented housing but agree that planning authorities should be required to set out the affordable housing tenure mix for new Green Belt developments in their area. This should include a minimum proportion of social rented homes, based on objectively assessed 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?**

The 50 per cent target should apply to all Green Belt areas in London. Green Belt sites are likely to have low existing use land values and so should be more capable of providing higher levels of affordable housing.

To ensure that this is fully reflected in land values, avoid the risks of developers overpaying for land and avoid protracted negotiation around non-policy compliant schemes, which can act to undermine policy, the reference to 'subject to viability' should be removed. Site-specific viability testing should only be allowed where an applicant demonstrates that exceptional circumstances justify the need for a viability assessment at the application stage.

This should also state that viability assessments should be objective, realistic and demonstrate that the proposed development is deliverable. The NPPF should also clarify that assumptions within any viability assessment should be based on minimum returns to a reasonable landowner and developer to ensure that this is not overstated.

Viability assessments should be robustly reviewed by the planning authority. References to viability negotiations should be removed because viability assessments should be undertaken on an objective valuation basis not for the purposes of negotiation.

Given the importance of Green Belt as a planning designation in preserving openness and preventing urban sprawl, the NPPF should also set out that the planning authority should consider the extent to which the level and type of provision of affordable housing provides sufficient public benefits to warrant the loss or de-designation of a Green Belt site. If, for example, an applicant proposes a level of affordable housing through the viability process that is materially lower than 50 per cent, or provides a tenure that is not in line with local policy requirements, the authority should take this into account when assessing the planning balance and whether the public interest case is sufficient to justify the loss of Green Belt.

To help provide a safeguard, the NPPF should also set a clear expectation that even where schemes are viability tested, schemes should make a materially significant contribution to affordable housing provision to justify a site's release from Green Belt.

Generally, Green Belt areas are in more remote locations that are not well-connected. Alongside an affordable housing target, consideration must be given to the (potentially) high costs associated with investment in necessary infrastructure that will be critical for sustainable development, including public transport, active travel, amenities and services, to avoid low-density, car-dependent development.

**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?**

Public access to green space is referenced in new paragraphs 155c and 156, and reference to local standards is welcomed. Neither the changes to Chapter 13, nor the pre-existing text of that chapter (Protecting Green Belt Land) make any reference to nature or biodiversity. Benefits to nature should be expected as part of/or alongside Green Belt release and this should be made explicit.

The 'grey belt' definition excludes land 'listed in footnote 7', which includes: habitats sites (including proposed SPA, SAC, and Ramsar sites, as listed in paragraph 187); Sites of Special Scientific Interest; Local Green Space; Area of Outstanding Natural Beauty; National Parks; and irreplaceable habitats (among others).

It is conspicuous that 'locally designated sites of importance for biodiversity' (as used in paragraph 185 a) / Local Wildlife Sites (as used in the glossary) are absent from this list (note these are known as Site(s) of Importance for Nature Conservation, or 'SINC', in London). They should be added, with clarification as to whether the exclusion also applies to proposed sites, and the use of language should be standardised.

The release of Green Belt should meet the tests set out in paragraphs 185 and 186, to not only protect but also 'enhance' sites of importance for biodiversity. It seems obvious that this should be guided by the LNRS (to realise opportunities for bigger, better and more joined-up ecological networks) but the Government should clarify the LNRS role in relation to Green Belt release.

The revised text refers to the provision of new (or improved) accessible green spaces within (or close to) major developments delivered in the Green Belt, to serve the needs of new residents, and that this should follow local standards or policy (155 c and 156). Restricting green space contributions to an equivalent requirement to non-Green Belt development doesn't provide a mechanism for delivering the broader "improvements to environmental quality and accessibility of remaining Green Belt land" that are described in paragraph 144, and which are necessary to realise the important contribution of the remaining Green Belt to the ecological and climate emergencies. Contributions in paragraph 155 relating to green space should be strengthened to ensure an uplift to Green Belt function and quality beyond that necessary for meeting the needs of new residents, and including existing residents and as well as that necessary to support the strategic contribution of the Green Belt to nature recovery and climate mitigation as critical green infrastructure.

**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?**

Government could undertake an assessment to determine whether it is possible to set out indicative benchmark land values (BLV) for different existing use types (e.g. industrial, petrol stations greenhouses, scrubland, agricultural) in different areas. Care would need to be taken to ensure that these were not excessive which would result in an unnecessary and unproductive windfall to the landowner at the expense of affordable housing and infrastructure delivery. This could encourage land speculation and undermine the public benefits and acceptability of releasing Green Belt. Any national BLVs would also need to be set at a level that, was not lower than Existing Use Value / a minimum return to a reasonable landowner.

The NPPF should set out key principles for determining BLV in line with existing national and Mayoral guidance and BLV should be assessed at a regional and local level. This should include that Existing Use Value (EUV) is the appropriate basis for determining BLV which should provide a minimum return for a reasonable landowner and that, in line with Planning Practice Guidance, under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

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

If BLVs were to be set by the Government, these should be determined with reference to existing use value. Most sites within London are likely to be previously developed land and an appropriate premium is likely to be within a range of 0 – 20%, rather than a multiple of EUV.

In line with national and Mayoral guidance BLV should reflect any site abnormal costs. Where these apply, or other liabilities would be incurred a lower or nil premium may be appropriate.

BLVs should be informed by a study of EUVs and BLVs for similar sites to those that could be released from Green Belt land in London for development *at a policy compliant level*. Consideration should also be given to residual land value assessment for policy compliant schemes, taking into account all planning requirements including affordable housing and infrastructure costs. This would help to inform the level of premium that may be applicable in different scenarios (if relevant).

**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?**

This approach is supported in principle as it may help prevent land transacting without fully reflecting policy requirements and the submission of unrealistic viability assessments to reduce obligations as a means of compensating for land overpayments. This would rely on a robust approach to establishing Benchmark Land Value and transparency of land transactions, including options agreements and transactions that occur after the grant of planning permission. Other arrangements to defer payment to landowners, for example through overage or joint venture agreements would also need to be considered.

If it was not possible to adequately address these issues, an alternative approach would be to enable planning authorities to set affordable housing requirements for Green Belt through the local plan process, based on local viability evidence. The ability to reduce affordable housing requirements through site specific viability testing could be removed because, once established, the local plan would provide a clear indication of the policy requirements that should be reflected when developers purchase land.

**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?**

This approach is supported. Provisions are however required to prevent applicants securing planning consent (and release of Green Belt) on the basis of a policy compliant scheme (or viability tested higher level of affordable housing) and then reducing affordable housing or other planning obligations as a part of a new application, S73 or S73B application or deed of variation.

**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?**

As set out above, the GLA have reservations about allowing for site specific viability testing to be undertaken on Green Belt land which could be used to significantly reduce affordable housing and infrastructure delivery, undermining the public interest case for Green Belt release. Effective safeguards are required to mitigate this such as setting out the expectation that even where viability tested, schemes should make a materially significant contribution to affordable housing provision.

Alternatively planning authorities could set affordable housing requirements through the Local Plan process based on viability evidence, rather than on a site-specific basis.

The GLA agrees that if viability assessment takes place, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews. Early-stage viability reviews which apply if the development has not substantially commenced within a specified timeframe following the grant of planning permission should be required to incentivise delivery or reassess whether additional affordable housing can be provided if early delivery does not take place.

Large development schemes should also be subject to mid stage reviews prior to the implementation of phases to determine whether additional on-site affordable housing can be provided in subsequent phases.

Additional guidance and standard legal agreement drafting could be made available to support planning authorities in implementing this effectively. The GLA would be happy to assist with this drawing on its experience of securing review mechanisms in London. It should also be made clear that the developer should pay the reasonable costs of the planning authority in assessing the viability review mechanisms.

**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?**

A 'golden rule' around timely and evidenced sustainable transport and utility infrastructure planning and provision should apply to residential, non-residential and commercial development. This would support local communities, help optimise development densities, and (in terms of transport) reduce the need for parking.

Potential other commitments could relate to the provision of employment and skills, which could also support improved opportunities for communities to access local employment. This could also involve wider and long-term social value benefits, for example through the creation of community investment funds or supporting community ownership of assets.

A 'golden rule' should apply around provision of Traveller sites. The approach should be comparable to that of residential development with the aim of ensuring that meeting the Travellers' accommodation needs is given the same priority as meeting other groups' accommodation needs, taking into account the suitability of the location, including provision of or proximity to local services and transport.

Some golden rules will be critical in setting the framework for the approach. It is difficult at this point to go too far beyond this given that types of development vary so much. Further detail could be established at the regional level.

**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?**

The Golden Rules, including the 50 per cent affordable housing requirement, should apply to all Green Belt release. This would provide a clear and consistent approach and ensure that schemes that are capable of providing higher levels of affordable housing achieve this.

Consideration should be given the application on the 'golden rules' to emerging Local Development Orders (LDOs), particularly where these result in Green Belt release in advance of a new Local Plan.

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

With respect to paragraph 1, the approach to BLV should be based on EUV and consistent with the definition in Viability Planning Practice Guidance - the premium should be referred to as "the minimum return at which it is considered a reasonable landowner would be willing to sell their land".

With regard to the second sentence of paragraph 1, it appears that it is intended that a specific monetary amount or percentage premium could be included. Careful consideration would be needed if the Government were to set out appropriate BLV on a national basis given the significant variation in site characteristics and existing uses across different regions and areas. It is advised that any guidance on levels of BLV or premium should be expressed in a separate supplementary document that would be able to differentiate based on factors such as site use, circumstances and location. This would need to be sufficiently detailed to ensure that the indicative BLVs are not overstated in different scenarios while still allowing for a minimum return to a reasonable landowner.

With respect to the final sentence of paragraph 1, clarification should be provided if it is expected that local planning authorities would be required to set BLVs for greenbelt sites in their Local Plan, or if this relates to their approach on schemes on a case by case basis where viability assessment is being carried out. Planning authorities may require support when assessing BLVs to ensure these are not inflated.

Regarding paragraph 2, consideration would need to be given to circumstances in which land transacts above the BLV after the grant of planning consent or scenarios in which the landowner receives payment through other means such as overage or joint venture arrangements.

In relation to paragraph 3, the principle of not viability testing policy compliant development is supported, however as noted above, provisions are required to prevent applicants securing planning consent and then reducing affordable housing or other commitments as a part of a new application (including under S73 or S73B of the TCPA 1990).

The principle that the weight given to viability assessment is a matter for the decision maker at Paragraph 4 is supported. Other points raised in our response relating to viability assessment should also be reflected here. In summary: to justify the submission of viability assessment the applicant should demonstrate that exceptional circumstances apply; if affordable housing is reduced through the viability assessment process authorities should consider this as part of the planning balance and whether the public benefits of the scheme justify the loss of Green Belt; given the importance of Green Belt as a planning designation, an expectation should be set that even where schemes are viability tested, affordable housing should not be reduced to a low or nil level; the reference to negotiation should be removed and assessments should be required to be objective, realistic and demonstrate deliverability; in addition to late reviews, early reviews, and mid reviews for large and phased schemes should also be required.

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

The measures outlined are supported.

As noted below, the NPPF could set out that for schemes that are viability tested, the residual land value determined by the applicant may be a relevant consideration as part of the assessment of compensation for CPO purposes. Where an applicant's assessment generates an outturn residual profit (with a fixed land value cost), they should also be required to provide a residual land valuation.

It is proposed that the Government also considers new planning designations like Land Assembly Zones (which are set out in GLA commissioned research *Capital Gains: A better land assembly model for London*).

LAZ would represent a means of signalling to landowners or developers through the planning system that parcels of land in disparate ownership in a particular area should be self-assembled to facilitate comprehensive redevelopment, including to deliver housing. LAZs could also be used to signal the potential use of compulsory purchase for sites that have been acquired or assembled but which have not been brought forward for development, or which are not being built out at a reasonable rate.

The LAZ mechanism could be deployed to ensure that development on the Green Belt is sustainable (focused on public transport), comprehensive and reflects an overall strategic, plan-led approach which meets the housing target for London and maximises public benefits. In a LAZ, local planning authorities could be supported to resist piecemeal planning applications where wider benefits could be realised through comprehensive redevelopment.

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

Given the need for significantly greater affordable housing delivery to address homelessness, provide homes for low and middle income households and boost overall housing supply, government should review a range of other measures which are complementary and additional to those set out in this chapter. This should include the role of Mayoral Development Corporations in enabling strategic land assembly, planning, infrastructure delivery. It must also prioritise funding (particularly for transport / other infrastructure) to deliver new sustainable communities at scale which provide tangible public benefits.

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

Yes, the proposed approach which places greater emphasis on the delivery of social rented housing is supported. Planning authorities should be required to set out the affordable housing tenure mix in their area, including a minimum proportion and number of social rented homes and other affordable tenures, based on objectively assessed need.

Different affordable housing tenures should be more clearly defined as part of the definitions of affordable housing at Annex 2: Glossary. In particular, the definition of affordable housing for rent should be amended to distinguish between Low-Cost Rent housing for households in greatest housing need and sub-market intermediate rent. The former includes tenures such as social rent and London Affordable Rent. A separate definition should be provided for intermediate housing including intermediate rented housing / Discount Market Rent and intermediate ownership products for middle income households. This distinction is important to assist planning authorities when setting out policies for different affordable housing requirements which are usually expressed as a requirement for a percentage of Low-Cost Rent and intermediate housing for each site. The distinction between requirements for Low-Cost Rent and intermediate housing should also be reflected in paragraphs 66 and (new) 69.

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

Yes. However, the NPPF should still retain a requirement for a minimum proportion of affordable housing at 10% or a higher proportion. The tenure of affordable housing should be determined by the local planning authority based on objectively assessed need.

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

Yes. We welcome the removal of the minimum requirement for First Homes which are typically not affordable and given that there has been little demand for providing this within development in London.

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

There is a lack of clarity in the document as to whether Footnote 38 is deleted. The number 38 in the footnote bar has been struck through, but the actual text of the footnote has not.

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

Yes. This also helps with build out and housing delivery (as set out in the Letwin Review), while ensuring that a range of housing needs and aspirations are met. In particular, the NPPF should place greater recognition on the benefits of schemes with a higher proportion of affordable housing both in terms of addressing housing need and supporting higher build out rates, due to reduced market risk. This will be vital to increase overall delivery above historic levels and to achieve housing targets.

Promoting a mix of tenures, unit sizes and housing types including affordable housing and Build to Rent schemes supports housing delivery by diversifying pipelines. This can also help support delivery in adverse market conditions when there is less demand for market sale housing. Diversification of housing can also support viability by allowing access to a range of subsidy options.

We note that there may be some cases where a development may need to diverge from this principle to meet a specific need, such as schemes with a high proportion of social rent/ affordable housing.

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

The London Plan threshold approach (Policy H5) has successfully increased the level of affordable housing secured through the planning process in London since it was introduced in 2017. Between 2016 and 2023 the level of affordable housing provided in strategic developments has more than doubled from 21 to 46 per cent by habitable room. The threshold approach incentivises applicants to follow the “Fast Track Route” by providing the threshold level of affordable housing (a minimum of 35, or 50 per cent affordable housing on public sector land or sites with a net loss of industrial capacity) and to meet other Development Plan requirements. Where this is not achieved, developers are

required to follow the “Viability Tested Route” to ensure that they deliver the maximum viable level of affordable housing. The threshold approach, based on the principles established in London, and set out above should be introduced nationally through plan-making processes, through the NPPF. This should include locally-assessed and adopted thresholds, above which viability assessments are not required. This approach would incentivise affordable housing delivery and speed up policy-compliant planning applications.

The NPPF should also require planning authorities to set out clear requirements for the number of affordable homes by tenure to address housing need across their area and the proportion of affordable homes in each development. It must also make clear that these affordable housing requirements should be fully taken into account by landowners and developers and be embedded into land values. Signalling this clearly will provide a clear marker of a shift in expectations towards consistency (which can lead to the necessary system change and embedded expectations of delivery of affordable housing) and a more equitable playing field for responsible developers, who might otherwise be outbid on sites.

To help ensure that this is the case, (new) Paragraph 59 should be amended to state that it is up to the applicant to demonstrate that exceptional circumstances justify the need for a viability assessment at the application stage. This should also state that viability assessments should be objective, realistic and demonstrate that the proposed development is deliverable. Viability assessments should be robustly reviewed by the planning authority. The NPPF should also clarify that assumptions within any viability assessment should be based on minimum returns to a reasonable landowner and developer. Applicants should justify their required return which should be the minimum level of return necessary for the scheme to proceed. Consideration should also be given to addressing this through updated PPG on viability.

Paragraph 65 should also be amended to remove the reduction in affordable housing contributions where vacant buildings are being reused or redeveloped. In practice, many developments in London include the redevelopment of vacant buildings, however Vacant Building Credit is detrimental to the provision of affordable housing without being required to support the delivery of new development.

Greater support, resourcing and expertise should also be made available to planning authorities to secure higher levels of affordable housing through S106 agreements and viability testing, which would also speed up the planning process.

Government could also promote the delivery of high percentage affordable housing developments through supporting councils and Registered Providers to purchase and directly deliver affordable housing through greater policy certainty and flexibility, and funding through the Affordable Homes Programme and other funding sources.

The NPPF should also provide greater support for the delivery of a high percentage of affordable homes, particularly social rent, as a part of estate regeneration schemes. This should require the re-provision of existing social rented homes, and for applicants and authorities to maximise the delivery of additional affordable homes. Alternatively, or additionally, this could be included as a part of a national development management policy.

The use of permitted development rights for commercial to residential conversions which can result in poor quality homes, in unsustainable locations without the provision of affordable housing and infrastructure should be reviewed.

If affordable housing is reduced below policy requirements through the viability assessment process or a subsequent application, authorities should consider this as part of the planning balance, whether the



public benefits of the scheme are sufficient and whether the scheme remains acceptable when assessed against the development plan as a whole.

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

It is not considered that a maximum site size should be applied.

Given the significant need for affordable housing in London, the Mayor encourages applications with high levels of affordable housing where possible. For example, through the Mayor's Affordable Homes Programme 2016-23 funding is available for all units in 100 per cent affordable housing schemes. In the London Plan, to encourage schemes with a high proportion of affordable housing, schemes that propose 75 per cent or more genuinely affordable housing may be considered under the Fast Track Route whatever the affordable housing tenure mix.

The London Plan safeguards against any unintended consequences by requiring schemes to comply with the tenure mix set out in the London Plan Policy H6. It is typical that applicants provide a range of tenures in large developments in London. Boroughs should retain the ability to set out policies or spatial diagrams where the over concentration of single tenure development is not appropriate, for example, for Purpose-built Student Accommodation.

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

The GLA does not have views on how to specifically increase rural affordable housing but many of the principles for doing so in London (see response to question 52 above) will also apply to rural development.

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

Yes.

**Question 56: Do you agree with these changes? [Strengthening support for community-led development]**

Yes.

**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?**

Different affordable housing tenures should be more clearly defined in Annex 2: Glossary. In particular, the definition of affordable housing for rent should be amended to distinguish between Low-Cost Rent housing for households in greatest housing need and intermediate housing for middle income households. Low-Cost Rent includes tenures such as social rent and London Affordable Rent. A separate definition should be provided for intermediate housing including intermediate rented housing / Discount Market Rent and intermediate ownership products such as Shared Ownership and Discounted Market Sale. This should also note that these intermediate products are defined by local

and regional affordability and eligibility criteria, in addition to the requirement not to exceed 80 per cent of market rent/value.

This distinction between Low-Cost Rent and intermediate housing is important to assist planning authorities when setting out policies for different affordable housing requirements which are usually expressed as a requirement for a percentage of Low-Cost Rent and intermediate housing for each site. This should also be reflected in paragraphs 66 and (new) 69.

The exception to the requirement for the landlord to be a registered provider could be extended to include community led developments and alms houses.

**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 currently typically arise through windfalls, and allocations are not necessarily an effective use of time and resources where the principle of development is readily accepted. Furthermore, many LPAs include all sites which receive a grant of planning permission on their Brownfield Land Registers, and this leads to a situation where demonstrating that the 10% requirement is met can be achieved largely through relying on permitted but not implemented small sites and so does not give a clear enough direction to achieve the more significant role for smaller site allocations indicated by the consultation document.

Experience of small site development in London suggests that many of these developments are opportunity-led and challenging for local authorities to identify in advance. There should be a requirement for planning authorities to adopt policies encouraging applications for small site development in locations that are well-connected by public transport and to amenities, including through intensification of existing residential areas. This would reduce the reliance on pro-active work by planning authorities to identify individual sites while bringing forward more sites through 'windfall'. This requirement could apply to genuinely 'small' sites, for example those of less than 0.25 hectares (the threshold used in the London Plan), while a different approach could be used for 'medium' sites (those of at least 0.25 but under 1 hectares). Linking this sort of development to transport accessibility, and a more focused spatial approach, would help manage the road network and parking impacts of such windfall sites, while creating both an ability to plan for improved connections in more suburban areas and an incentive to do so to help increase housing potential.

The particular circumstances of a small number of planning authorities, for example the Mayoral Development Corporations in London, can make it very challenging to identify a sufficient quantity of small sites, and a stringent requirement may not be appropriate in these cases.

The consultation document seeks views on whether requiring authority-specific small-site strategies would help implement the 10% allocation. Encouraging a more strategic approach at local authority level has merit, as it could lead to a more consistent flow of sites and more predictability for providers and communities. To ensure effectiveness and value for money, local authorities should be encouraged to draw up joint strategies and use common sources of evidence, particularly in areas with spatial development strategies.

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

Yes, the proposal to retain references to well-designed buildings and places but remove references to 'beauty' and 'beautiful' is supported. It is noted that (new) paragraph 127 has a reference to beauty which should be replaced by 'well designed'.

The amendment to paragraph 138 is supported. However, the text could be further amended to more clearly express the intent of the change which is set out in the explanatory text of chapter 6 paragraph 20 of consultation document "...that the National Model Design Code...or where available local design guides and codes, prepared in line with the national guidance, is the primary means of assessing and improving the design of development."

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

Yes.

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

No

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

These proposed changes are welcome, as they support the policy objectives set out in chapter 2, which broadly align with my emerging London Growth Plan, and in particular the objective related to the development needed for a modern economy.

However, in terms of paragraph 86b, suitable locations should be routed in access via sustainable mode share.

It would also be valuable to add to the text that information transparency and evidence of need for identified uses is required, given that key industries supporting growth could potentially change over time and/or their spatial requirements may change, also in the light of innovation in some industries. Therefore, further information and guidance on influencing the distribution of demand and strategically planning for it across the country and Government departments would be useful.

The accommodation of data centres for example presents a number of issues, which should be addressed at the national and strategic level. These include knowledge and data gaps, the impacts on local electricity and water networks and opportunities for heat networks from the generation of waste heat, other environmental impacts including on air quality (notably from the use of backup generators), and the lack of integrated urban design.

A particular concern is the impact of data centres on electricity network headroom, and the resulting impact on deliverability of other types of development. The current average data centre in London (15MW) needs power equivalent to around 10,000 additional homes, but new data centre proposals are much larger (between 100-300MW). To enable sustainable data centre growth (which we recognise as being necessary to support economic growth) close collaboration with electricity companies is necessary to ensure that sufficient network headroom is available to ensure deliverability of the Local Plan and to avoid for example connection delays for other developments including residential, as experienced in West London.

In terms of paragraph 87b, it is important that storage and distribution operations are also sustainable. Paragraph 87c, which refers to the expansion/modernisation of other industries of local,

regional or national importance, provides helpful flexibility to address local circumstances. However, some additional guidance could be useful, also addressing the role of local benefits, and a further reference to the infrastructure/facilities needed to support these industries. Waste management sites in particular are also needed in sustainable locations to support any residential or commercial uses.

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

Key sectors vary across London and the country and may also change over time. Therefore, the NPPF should not explicitly focus on individual sectors that are particularly important in certain locations. However, it should highlight the importance of the strategic clusters and supply chains of regional or national significance.

The specific sectors identified in the NPPF consultation support a wide range of businesses that are critical for London's economy. This also applies in particular to transport infrastructure and infrastructure supporting a circular economy including facilities for material processing and fabrication of reusable materials and parts.

**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?**

Caution is needed when considering directing data centres, gigafactories, and/or laboratories into the NSIP consenting regime. They are best determined at local and regional level to ensure that locally specific requirements and conditions are addressed, for example, to reflect local design-led approaches, environmental goals and the provision or contributions towards affordable workspace in line with Local Plan policies.

In terms of data centres specifically, their significant role as essential infrastructure supporting digital connectivity and overall economic growth and productivity is acknowledged. While a strategic approach in respect of these development types, given their multiple interrelated infrastructure requirements (power, heat networks, water) would be beneficial, including them within the NSIP regime would do little to either better foreground a more local consideration of impacts, nor allow for a more strategic consideration of their risks to wider infrastructure capacity. Neither the DCO nor TCPA application procedures (or the electricity network planning regime) currently provide an appropriate mechanism to allow consideration of the impacts of a proposed development on local electricity network capacity, and its potential knock-on effects on the pace of housing delivery. The Electricity System Operator's latest modelling anticipates that nationally, data centres will add up to 62 TWh of electricity demand in 2050<sup>1</sup>

At the local level, data centres tend to offer little benefit compared to the local impact they can have. They tend to outcompete other important industrial/employment uses (such as logistics) in terms of value/viability. They often involve a large land take and buildings of a significant scale; while generating low levels of employment compared to other industrial uses. All of these issues can affect the economic resilience and diversity of the local economy and access to local jobs. If these issues are not managed at the local level, significant opportunities to deliver local benefits will be missed. Directing these development types into the NSIP regime is likely to exacerbate this. This is particularly

---

<sup>1</sup> [nationalgrideso.com/document/322316/download](https://nationalgrideso.com/document/322316/download)

a concern given that the planning system and utility regulation regime do not currently align in regards to coordinating forward planning of network investment.

It is recognised that demand for these uses can be driven by wider than local needs and that they are critical to the wider UK economy. Additional national policy would be welcomed to provide planning authorities with an understanding of the national need to effectively support the economy, as well as guidance on which types of locations are likely to be most suited to data centre development. There is also a role for greater strategic planning and cooperation across local, regional and central government to ensure strategic needs are met. Jointly developing a strategic view on data centre development locations would also ensure that the grid can support this type of development without adverse impacts on other types of development and local communities.

**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?**

There is not enough consistent, reliable, and comprehensive data currently available to inform a robust position regarding scale (see also response to question 62).

On data centres specifically, in London most of them tend to be smaller than hyperscale or enterprise data centres, given the high land values and lack of available sites. However, high numbers of data centres continue to locate in London (due to proximity to customers and the low latency digital network) which compounds adverse impacts from this type of development. This demonstrates that scale is not necessarily a suitable metric to inform the planning consent route, and that route should also seek to ensure that cumulative impacts from data centre development are considered.

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

Yes. It is important that a wide range of commercial, business and service uses supporting a modern economy are met. Within use class E, these are at risk of loss to housing without planning permission through Permitted Development Rights. Such rights make planning for the needs of all of these developments challenging. They can negatively impact high streets, creative workspace and cultural venues and fail to deliver genuinely affordable housing and a range of housing quality objectives. It also means that often impacts e.g. transport cannot be adequately mitigated and this in turn can increase resistant to development and change in an area. These rights should therefore be re-considered.

It should also be noted that both data centres and storage/distribution or freight and logistics can fall within the same use class (B8), which makes it challenging to address and plan for specific needs. Given the potentially significant viability differences, data centre developments are increasingly outbidding other diverse and locally important uses. Consideration should be given to classifying data centres as 'sui generis' instead to enable assessing and planning for both types of use appropriately.

Specifically related to data centres, further information would be welcome on the economic benefits and the spatial distribution of these (for example within the local area, regionally, nationally or internationally). Robust collaborative planning between local authorities, data centre providers/operators and relevant utility providers is necessary to support the demand and growth of data centres including an understanding of their electricity and water demand profiles. Consideration should be given to the role of spatial planning in ensuring data centre development is guided towards sites that are close to renewable and low carbon sources of electricity generation, avoiding unnecessary and costly reinforcement of the transmission and distribution electricity networks. Further engagement and collaboration on these issues would be welcome to complement the existing engagement with other Government departments that is already underway.

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

Yes. The change puts greater emphasis on the delivery of essential public infrastructure through development proposals, however additional strain on already stretched boroughs and on the NHS will need to be managed and mitigated, potentially through non-planning related initiatives (i.e. improved funding, sub-regional programming/working).

Local planning authorities should also work proactively with partners, including infrastructure and utility providers, to plan for required facilities. This is to ensure public service infrastructure can secure the connection to local infrastructure networks, and capacity of local utilities, which helps ensure these are delivered as quickly as possible. This is particularly pertinent given the drive to decarbonisation (and associated increased electricity demands) across public service infrastructure estates.

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

A focus on post-16 and adult facilities is welcomed as this would ensure that workforce development is embedded within communities and provides opportunities to retrain and upskill to meet shifts in the labour market. The inclusion of early years provision is also welcome, given the significant pressure on early years provision in some parts of London.

However, there needs to be clarity about priorities, particularly where there may be viability pressures. In London, the London Plan gives top equal priority to planning obligations which secure affordable housing and necessary public transport improvements, with a recognition that transport mitigations are critical to support economic growth and housing delivery.

The GLA will work with the Government to consider any possible impact that these changes may have on local authorities and education settings, who are already under significant pressure.

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

Yes, the vision-led approach (draft paragraph 112) is supported and we welcome the explicit move away from a 'predict and provide' approach which is contrary to achieving sustainable development.

Priority should be given to directing growth to well-connected places such as urban centres. In London, TfL's Healthy Streets Approach, Vision Zero and the Mayor's sustainable mode share target of 80 per cent by 2041 provide a holistic vision that could be helpful in other towns and cities. Guidance should focus on ensuring that place-making is at the heart of infrastructure design and that priority should be given to ensuring a safe, legible and convenient environment for people walking and cycling.

In draft paragraph 113 (previously 115), there is a risk that the cumulative impact of growth on the road network, particularly in urban areas and their hinterlands, is not adequately considered. A 'severe' impact is a very high threshold and could undermine the ability of planners to require mitigations that future-proof development and that also, crucially, enable densification across city regions. These aggregate impacts – while potentially not that significant at the individual scale – are felt over time and over a wider area, and being able to address them is key. One example of this would be to require some developments to be 'car free' or 'car lite' where appropriate. As written, this paragraph could make it difficult to require design changes to reduce parking provision and car use,

which not only impacts the overall levels of traffic associated with development, but undermines optimising densities and making best use of land, resulting in lower levels of growth overall.

While there are no changes suggested to existing paragraphs 111 and 112 (draft paragraphs 109 and 110), as currently worded they undermine planning authorities' ability to take a vision-led approach to transport in their area and their ability to effect the change that is necessary, for example to tackle climate change. Paragraph 111 requires LPAs to take account of existing car ownership levels, rather than planning for the levels compatible with that vision. Paragraph 112 sets a high bar for setting maximum local parking standards. Setting such standards has been demonstrated to be one of the most effective planning tools in generating mode shift and also ensuring that the provision of public transport is financially viable. It is suggested that paragraph 111 section d and paragraph 112 are deleted. Beyond this, planning authorities who do not wish to adopt maximum standards should need to demonstrate that such standards are not required to manage the road network impacts of development or optimise densities in well-connected places.

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

The most effective interventions to promote healthy behaviours are those which are designed for the specific issues and context, and so can maximise local opportunities and assets. Opportunities to maximise health benefits and reduce negative health outcomes will depend on the context, so the optimal approach is one which requires a consideration of the health needs of a population as a necessary first step, whether this is through a Health Impact Assessment (HIA) or another mechanism. As such, the supported approach is one that does not focus on specific health issues as the starting point, but instead ensures that the statutory process requires a consideration/assessment of health, and the need to improve health and reduce health inequalities.

Many of the recommendations set out in Public Health England's (PHE) report, "Spatial Planning for Health: An evidence resource for planning and designing healthier places" remain relevant and the report provides a useful summary of the evidence for interventions that improve health outcomes (although it was published in 2017 so does not include more recent evidence/data).

The opportunities for improving health through a mechanism which requires a consideration of health equity in planning policy is evident in the London Plan, where the GLA Act requires the Mayor to consider the impact of GLA policies on health inequalities. This has facilitated the development of world-leading policies, for example on the 'Healthy Streets' approach which works to change streets to increase the modal share of active travel.

Another significant planning policy tool is the ability to encourage minimum densities for new development to create walkable neighbourhoods and reduce car reliance. Policy should require new development to be well-located in terms of active travel, provide social infrastructure that meets local needs and demographics (including civic space that is ideally free to use) offer housing options that allow older residents to remain in their communities, and provide opportunities for recreation for people of all ages and abilities.

In addition to existing health and well-being wording, consideration could be given to addressing health inequalities and making specific reference to mental health and well-being. These elements will be increasingly important considerations with the densification of development.

Tackling poor air quality should be an aspect of promoting healthy communities. The NPPF would benefit from mentioning that indoor air quality is a determinant of health and is a key issue for health inequalities. Planning policies should aim to contribute to reducing health inequalities by placing a focus on housing location in relation to existing ambient air quality. This is particularly important when allocating sites for social and affordable housing where occupants are likely to have limited choice on where they can live due to factors beyond their control which may otherwise result in systemic inequalities arising.

Planning policy can support healthy communities and tackle childhood obesity by shaping healthy behaviours through (bullets extracted from the PHE report):

- Building healthy neighbourhoods: enhancing neighbourhood walkability; building complete and compact neighbourhoods; enhancing connectivity with safe and efficient infrastructure.
- Healthy housing: Improve the quality of housing; increase the provision of affordable and diverse housing; increase provision of affordable housing for groups with specific needs.
- Healthier food environments: healthy, affordable food for the general population; enhance community food infrastructure. For example, the London Plan restricts fast-food take-aways near schools.
- Natural and sustainable environments: reduce exposure to environmental hazards (including air pollution); access to and engagement with the natural environment; adaptation to climate change.
- Healthy Transport: provision of active travel infrastructure; provision of public transport; prioritise active travel and road safety; enable mobility for all ages and activities.

Planning policy could also encourage or adopt measures detailed in '[Every Child a Healthy Weight](#)' such as making free water available everywhere through planning for public water fountains, and most importantly, creating more active, playful streets, opportunities for physical activity through play, and public spaces. In additions to protecting, promoting, and appropriately situating sports and recreation facilities, paragraph 95 could expand on the operation of sports facilities within education settings – encouraging local authorities to work with schools to maximise opening hours and use of existing and new halls, pitches, and other facilities, for community benefit. Consideration could be given to requiring residential, town centre, public realm and open space proposals to deliver elements of play that are integrated with the wider development design. OPDC's Public Realm and Green Infrastructure SPD provides a number of examples of how this can be facilitated.

Finally, the Government could also consider the role of a healthy retail and food environment at a national level. It is noted however that the application of this is limited due to how the use classes order works and the wider availability of cheap, highly processed and nutritionally poor food products actively marketed at children and young people. It would therefore be more effective alongside other measures outside the planning system.

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

We welcome the renewed focus on delivering community needs through the proposed amendments. Consideration should be given to introducing or referencing social value in development, so that new schemes are required to deliver measurable benefits to the local community and their quality of life – particularly in terms of health and wellbeing, social connections, education and employment opportunities, access to housing, civic engagement and so on.

There could be reference in chapter 8 to the role planning can play in establishing appropriate maintenance regimes for social infrastructure, open space and recreation facilities. The ability of these types of land uses to contribute to promoting healthy, safe communities is dependent on regular maintenance and upkeep.



Given how frequently women, girls, and the gender diverse report feeling unsafe or uncomfortable in the public realm and on transport, opt not to use particular facilities (e.g. recreation facilities in parks), and avoid travel at night, the NPPF should consider reference to their safety through design. Policy or guidance that requires LPAs and developers to consider the implications of proposals through an equalities lens could be included. This could be achieved through requiring Equalities Impact Assessments to be undertaken early in the plan-making and development management process (subject to defined thresholds stipulating when such an assessment is necessary) to identify the relevant groups, the potential impacts, solutions to address impacts, and any intersectionality considerations. This approach was undertaken for OPDC's [Industrial SPD](#) and [Public Realm and Green Infrastructure SPD](#) to deliver equitably designed industrial uses, streets and open spaces. LLDC have also undertaken significant work in this area including their [Handbook and Charter](#).

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

Yes.

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

The emphasis on giving significant weight in the decision-making process to the benefits associated with renewable and low carbon energy generation is welcomed, and the contribution of proposals to meeting a net zero future.

Further amendments set a stronger expectation that Local Planning Authorities proactively identify sites for renewable and low carbon energy projects. The strategic site-wide approach to the delivery of low carbon energy networks and acknowledgement that is an important step towards ensuring zero carbon is supported. While the amendments offer potential opportunities for the renewable energy sector, they also bring potential challenges. For example, there have been energy supply issues affecting housing delivery in West London recently (given rise by poor electrical capacity planning and a rise in data centre provision). This example demonstrates the importance of coordinating grid distribution and capacity with emerging development (including data centres and other demand users, but also proposed renewable and low carbon energy generation).

Maximising PV provision not only keeps bills low but also reduces the demand on the grid which will be necessary in the future as demand for electricity will continue to increase (e.g. for electric transport and electrified heating). This can help shield consumers from spikes in electricity costs, as has been the case in recent years. Energy usage can account for [40% of a building's running costs over a lifetime](#), so the more we minimise from the outset, the better and more productive the economy will be. It also allows more flexibility for other industries/sectors of the economy that are more difficult and expensive to decarbonise, such as steel and cement production.

The introduction of para 27 that strengthens cross-boundary working with part (a) identifying 'environmental improvement and resilience' as 'major infrastructure' is supported. Relating to this, Para 161 (c) could be strengthened with cross-referencing Para 27 where 'opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems' closest to the source can benefit with reliance on cross-boundary working from LPA's.

In London and other locations across the UK, Local Area Energy Plans (LAEPs) are a key means of identifying place-based interventions to enable a net zero energy system. This includes through identifying suitable locations for renewable and low carbon energy e.g. sites suitable for solar PV and

heat networks, as well as gathering information on network capacity to inform how these technologies may link to the grid. Integrating findings and evidence from LAEPs into the planning system is critical to ensure development planning is statutorily required to consider and deliver these interventions. It is also recognised that London is a net consumer of energy and the Mayor has adopted a Net Zero target of 2030. Accordingly the GLA supports the renewable and low carbon generation of power in the wider energy system.

**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?**

Protection of irreplaceable habitats including (but not limited to) peat soils is important due to their biodiversity value not just their role in carbon storage and sequestration. Greater emphasis on the protections needed for irreplaceable habitat would be welcome, and we would recommend that policy requirements for environmental safeguards in this area are strong.

Renewable energy development schemes should be assessed against the tests already built into the NPPF, specifically paragraphs 185 to 188. Aspirations for landscape scale nature recovery should also be considered. Consideration of the LNRS and impacts of strategically identified areas that could be of importance for nature should be part of this process as an additional measure.

**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?**

Establishing a coherent legal and national policy framework for planning and climate adaptation as well as appropriate National Development Management Policies (NDMP) could help ensure climate adaptation is addressed as a priority. This should address key themes such as: flooding from surface water; flooding from rivers and the sea; sea level rise / coastal erosion; impacts on habitats, landscapes, and land management; high temperatures and overheating; urban heat island effect, water scarcity and drought; reduced water quality; health impacts of climate change; soil degradation. This should dovetail with other regimes such as Building Regulations e.g. to deal with high temperatures and overheating.

The Committee for Climate Change report, "[Spatial planning for climate resilience and Net Zero](#)" provides a comprehensive summary of the evidence and includes recommendations to address climate change within the planning system. For example, policy interventions to ensure that developments are aligned with the Climate Change Act and addressing the lack of action and guidance for incorporating adaptation measures within Local Plans.

A statutory duty to consider climate change should be introduced in both plan making, and decision making. Planning authorities should be required to considering climate change adaptation and mitigation in every decision. Climate change should be given special regard in planning decisions.

It is essential that the role of planning authorities in climate policy is recognised and that they can set specific standards that are more ambitious than national standards. The ability for London to set a specific, ambitious and consistent policy approach, maintaining a clear pathway towards the city's 2030 net zero target and set standards that go beyond minimum national requirements has been vital in enabling [new development to continue to achieve carbon savings](#) far beyond the national (Part L) baseline. The previous Government's December 2023 Written Ministerial Statement (WMS) 'Planning – Local Energy Efficiency Standards Update' created confusion about the role of LPAs in setting standards and their ability to use alternative metrics, including Energy Use Intensity. This confusion is slowing down the adoption of Local Plans across the country. To ensure that standards for new buildings do not slip backwards to a lowest common denominator and to enable affected Local Plans to progress, national standards should strive to be ambitious in moving towards a net zero standard and enable local authorities to adopt higher standards (including EUI- based targets) where this is evidence-based.

National policy should re-consider how best to leverage opportunities at key trigger points to improve energy efficiency and support the retrofit of existing buildings.

National planning policy currently only recognises the operational emissions of a building and not the embodied carbon emissions which can make up at least half of a building's total carbon footprint. This should follow through into regulating embodied carbon so that these emissions are counted and reduced, as we are doing through the London Plan and our Whole Life-cycle Carbon Assessment process. The previous Government committed to a consultation on embodied carbon and clarity on whether and when this consultation will be forthcoming is urgently needed.

This review is an opportunity to bolster and align the 'Conserving the Natural Environment' section of the NPPF with climate change by referring explicitly to the Environment Act and BNG requirements, along with supporting text for nature recovery and LNRS.

The NPPF could better emphasise the importance of co-operation and cross-boundary working. This would be especially relevant regarding utility providers in the interests of addressing matters of decarbonisation, water efficiency, and resilience more strategically. Within this, there are opportunities for the NPPF to better consider and reference the use of currently non-statutory, planning tools such as Local Area Energy Plans and Integrated Water Management Strategies in plan-making and decision making. We would also point to the planning recommendations included within the London Climate Resilience Review.

Energy from waste need to be seen and determined in planning terms as waste management infrastructure and not as low carbon energy infrastructure. This has become more relevant with the rapid decarbonisation of the grid over recent years.

**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?**

The current NPPF does not include a requirement for consideration of the full carbon impacts of strategic and spatial plans which is needed to inform plan-making and planning decisions that are aligned with national climate change commitments. A broad-scale carbon assessment should be able to account for different spatial locations, densities, typologies and capacities and include transport, energy, and other infrastructure, both existing and future needs to allow decision-makers to understand the full carbon impact of those development options and growth scenarios. We note the support for carbon impact assessments being incorporated or required as part of the planning and development process from the 2022 NPPF consultation.

In the first instance it is important to capture the relevant information about the carbon associated with development to ensure the data that informs decisions is robust. Building regulations covers only the carbon related to regulated operational emissions, unregulated and embodied emissions are not captured. The London Plan has a well-established approach to assessing operational carbon emissions (including unregulated) for major developments and also includes the requirement for whole life-cycle carbon WLC assessments for applications referred to the Mayor to understand the full carbon impact of a development. The previous Government proposed to undertake a consultation on its approach and interventions to mainstream the measurement and reduction of embodied carbon in the built environment by 2023, however this did not take place. This consultation should be undertaken as soon as possible.

The availability and accuracy of WLC data is an issue, especially when considering high-level options. There is an opportunity for Government to provide clarity here by setting out a clear and consistent methodology to follow.

Currently there is a lack of skills and capacity within local planning authorities to properly implement and use these tools in plan-making and planning decisions. National policy and guidance as to what is scoped into carbon accounting would ensure these tools deliver meaningful impact in terms of sustainability. For instance, the embodied carbon of enabling infrastructure (for utilities and street works associated with development) is often overlooked and not considered within the planning process. Clarifying expectations as to the measurement of impacts of the development beyond the application red-line boundary would be welcomed.

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

Yes. Surface water is the biggest flood risk facing the UK and particularly cities like London but is still not regarded on par with other sources of flooding risk in planning, despite recent changes to wording to reference other sources. For example, River Flooding has very specific definitions and actions required in the way Flood Zones are referred to. With the release of better surface water mapping nationally through the NAFRA mapping, to be released in 2025 by the Environment Agency, surface water should be referred to in the NPPF in the same way to ensure an appropriate and sequential approach is taken.

Clear guidance with updates to Planning Practice Guidance will help on how the sequential test should be practically applied to all sources of flooding which includes surface water runoff. Given the widespread occurrence of surface water (pluvial) flooding, more clarity on how this process can be done to find sustainable sites to meet development needs.

Referencing National Statutory SuDS Standards and an appropriate standard proforma in a revised NPPF would also be useful to ensure that all are working to the same standards, to take into account amenity, biodiversity and water quality and integrate with wider placemaking and green space provision.

There should be a greater emphasis on Sustainable Drainage Systems (SuDS) in all developments, regardless of flood risk. This is because the most effective locations for interventions to manage surface water flood risk may not be where the impact is actually felt, due to topology and drainage networks. The [London Strategic SuDS pilot study](#) demonstrated the flood risk management and other benefits of catchment-wide SuDS installation. Thus the caveats in paragraphs 173 and 175 that sustainable drainage systems are incorporated into development '*unless there is clear evidence that this would be inappropriate*' should be updated. All new development requires consideration of drainage, and the term 'sustainable drainage system' incorporates a broad approach comprising multiple different technical solutions and options of varying use, intensity, and impact. We are not aware of any situation where the proposed drainage system for development incorporating one of the many solutions, even partially, that are under the umbrella of 'sustainable drainage systems' would be considered inappropriate.

Paving front gardens can be permitted development if it is permeable, however the Government guidance here is limited in its definition. Despite efforts, the practice of impermeably paving over front gardens continues due to lack of guidance or resource to check compliance (in addition to effectively privatising kerb space). This presents continued and increasing challenges to take proactive steps to improve surface water management. A review of this was recommended by the National Infrastructure Commission in 2022. This is endorsed further in Recommendation 34 in the London Climate Resilience Review. Government should harness the planning system to disincentivize unnecessary increases in impermeable surfaces. Further clarification as to what is recognised as permitted development, and permeability and add commercial premises to this permitted development aligned with paragraph 174, may result in more effective management of flood risk.

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

The outcomes from the 2023 Future Homes and Buildings Standards consultation should be confirmed and communicated as soon as possible. In [our response](#), we highlighted that the majority of the proposals did not go far enough to address the key issues to achieving net zero buildings in practice: the proposed minimum standards for building fabric were too low and did not do enough to minimise energy consumption. A long-term strategy should be prioritised that focuses on higher carbon savings and, consequently, lower bills in the long run. This is best achieved through setting a high specification building fabric to ensure that energy consumption is minimised. We would welcome a timetable for future updates to the standards which continue to increase the energy performance of buildings, providing certainty for local authorities and industry. The Future Homes and Buildings Standard should set out specific measures for climate resilience with explicit requirements for managing excess heat (cooling), ventilation, water efficiency, flood resilience and biodiversity.

Furthermore, it would be helpful to have clarification on the outcomes of the consultation on Proposals for Heat Network Zoning. There needs to be recognition of the role of heat networks in decarbonisation, both at building and system level, in providing flexibility and balancing in the electricity network. This approach is essential to catalyse the expansion, growth and decarbonisation of heat networks, allowing them to actively support a cost-effective transition to net zero in the UK. There needs to be a consistent approach to calculating the carbon intensity of heat networks. This is particularly important in enabling the sleeving of low-carbon heat from heat networks to new development.

Delivering net zero developments and tackling the total life-cycle carbon emissions related to development must be priority for national planning policy, including assessing options for energy efficient deep retrofit before demolition is considered. There is a need for consultation on the approach and interventions to mainstream the measurement and reduction of embodied carbon in the built environment. National planning policy should include provisions to address the embodied carbon associated with the full whole life-cycle carbon emissions of new development.

Technology can be supported to address climate adaptation, such as the Mayor's [Climate Risk Map](#) that considers risk at the local level and identifies areas that need immediate attention. The planning approach can be strengthened by promoting design policies with increased emphasis on opportunities for innovative climate-adaptive designs. This can include support of best practice sustainability accreditations that support reducing the 'performance gap' of new buildings. Improvements to the monitoring and enforcement of planning policies will also help understand the efficacy of existing and any future policies to address climate impacts.

Indoor overheating is already a significant issue across the UK housing stock and is an important cause of premature death. Policies and regulations relating to energy efficiency, overheating, ventilation and indoor air quality should be considered holistically to ensure there are not detrimental impacts or unintended consequences arising from intervention in one policy area. These also need to work with the relevant Building Regulations to provide clarity (and avoid duplication or overlap) between different regulatory regimes.

Further actions could include the introduction of a requirement to consider Local Area Energy Plans within plan making (or Net Zero / Climate Strategies where they exist). This could include mandating more structured and consistent engagement with utility providers at the plan-making stage to help anticipate, plan for, and overcome infrastructure capacity constraints, particularly where this impacts the ability of local areas to undertake decarbonisation effectively and quickly. More broadly, considering the inter-relationship between the planning system and utilities and energy regulation is critical to ensure London and the UK can effectively and efficiently meet net zero.

Greater emphasis could be given in the NPPF to:

- Considering energy and utilities within the site allocation process – in terms of energy strategy approach and hierarchy, factoring in headroom available for the site, consideration of reinforcement / timing in the site's development phasing, and any site development criteria such as provision of land for substations, EV charge points or heat network connection.
- Planning policy – supporting local power generation such as solar PV, heat pumps, EV charge points, as well as providing a framework for local policies requiring EPC improvement and flexibility measures.
- Planning assessment and consideration of network capacity in making planning decisions – e.g. if a major energy user impacts the deliverability of the rest of the Local Plan by creating a grid constraint. The current regulatory systems for utilities do not operate with considerations of this as the current connection process is based on a 'first come first served' principle. Arguably this is not compatible with the UK's ambitions regarding housing delivery and decarbonisation.

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

While it is acknowledged that the footnote does not provide enough detail or parameters for the assessment of availability of agricultural land used for food production, removing the second sentence from the footnote would result in weaker protection of Grade 1-3a agricultural land.

Despite the proposed reform text advising that ‘we have been clear that food security is important for our national security, and that safeguarding Best and Most Versatile agricultural land is an important consideration’, the NPPF is almost silent on measures for the broader protection of arable land for food growing or facilitating infrastructure and development to support food production. The text arguing for this reform relies heavily on the stipulation *where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred*.

Rather than removing the second half of the footnote, the NPPF could instead explain how authorities should assess and weigh the availability of agricultural land when making planning decisions i.e. providing the detail that is currently missing. Alternatively, consider inserting the word ‘agricultural’ in the sentence the footnote serves, i.e. *“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental, amenity, or agricultural value, where consistent with other policies in this Framework...”*.

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

There is limited grade 1 and 2 agricultural land within London’s boundaries. This land is under pressure, primarily from proposed changes to approaches to development in the Green Belt. The status of agricultural soils should be a consideration in planning policy when considering Green Belt release, but alongside other considerations including the likelihood of the land making a meaningful contribution to peri-urban food production.

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

Yes, Part 3 refers to National Strategic Infrastructure Projects of which the TE2100 plan should be recognised as a statutory plan and appropriate funding mechanism as set out in the TE2100 Advisory Group Letter 17<sup>th</sup> May 2023 [TE2100 Advisory Group: Letter to the Secretary of State - UK Climate Risk](#)

The reduction in water availability because of climate change, environmental drivers, growth, and the subsequent need for additional major water supply infrastructure is recognised. This is supported by the findings from the subregional Integrated Water Management Strategy for East London, July 2023 ([100108845-5.1-F Sub-regional integrated water management strategy East London](#)).

**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?**

The existing plan making section of the NPPF refers to local planning authorities making appropriate policies to deliver water infrastructure. The NPPF could go further by requiring these policies to be in turn informed by integrated water management strategies of the appropriate scale to ensure decision making is taken with a full understanding of the interdependencies across the water infrastructure sector. The benefit of this approach is illustrated by the recently completed subregional integrated water management strategy for the Lee Valley.

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

There are greater opportunities, not just within the NPPF but planning practice guidance and broader national policy, to better promote, enable, and mandate more localised water efficiency and leakage

reduction measures. This should recognise continuing issues around the definitions of 'wholesome water' within the Water Industry Act which is impacting the use of non-potable water through greywater recycling. These are significant opportunities for the uptake of water efficiency measures to be better leveraged through the planning system.

There are issues in the delivery of performance criteria applied to developments as part of local planning policy within the application process. For example, requiring more stringent water efficiency in areas of acute water stress. The NPPF should be clear that local planning authorities should seek to ensure that performance criteria of approved development are not materially diminished between permission and completion, because of changes being made to the permitted scheme.

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

In the first instance, this response to the proposed NPPF changes notes a number of ways in which plan-making could be better incentivised. Many of the penalties relating to housing delivery for example apply irrespective of whether a planning authority's plan is up to date or not. We believe that this should be looked at afresh and would welcome further discussions on it.

Government intervention should be used as a last resort, also cognisant of the potential to slow plan-making for example.

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

Intervention should be focused on those circumstances where plan-making does not progress. A series of timescales should be applied for progress to Regulation 18, Regulation 19 and adoption. These should be set at published intervals sufficiently apart to account for example for a change of local administration requiring aspects of a plan to be revisited in accordance with democratic principles. However, such deadlines could drive a focus of resources and plan-making activity which might otherwise be lacking. In such circumstances, a cascade of interventions would be appropriate.

It is also noted that SDS requirements could work better over longer timescales (for example a 10 year review period) to provide greater certainty in the planning for a city's evolution and a longer-term strategic framework for change and delivery.

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

Whilst the principle of an increase in planning fees to meet cost recovery is supported, any increase in the fee regime should be linked to the level of resources required. Occupiers of flats do not benefit from the same permitted development rights as occupiers of single-family dwellings and require planning permission for relatively minor alterations including installation of replacement windows in certain circumstances. This type of application will result in less resources for a local planning authority than a proposal for a range of extensions to a single-family dwelling (which exceeds their permitted development rights). Therefore, there should be a lower fee charged for householder proposals which do not involve any extensions to the building with a higher fee for proposals which involve a net increase in the size of the property.



**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.**

N/A

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

Any householder application which involves a net increase in floorspace should be set at least twice the current fee. Householder applications for minor alterations which involve no increase in floorspace should be set at a far lower fee increase which reflect the level of resources involved. The appropriate level could be sourced by Planning Advisory Service using information from local planning authorities.

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

**Yes**

**No – it should be higher than £528**

**No – it should be lower than £528**

**no - there should be no fee increase**

**Don't know**

Although the principle of the fee increases to meet cost recovery is supported it is not clear what this estimate on cost recovery is based upon. For the reasons set out in Q 89 and 90 the level of resources involved in minor alterations to a flat will differ from extending a single-family dwelling and this should be reflected in having two separate fee scales for householder applications

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

N/A

**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.**

Outside the well acknowledged issues with the current fees for s73 applications not reflecting the resources involved, the current fees for discharge of conditions, s96a non-material amendments and reserved matters applications also do not cover the considerable resources that these types of applications can involve. In particular, the need often for technical specialists (particularly dealing with sustainability) that are necessary to deal with discharge of condition applications. For many applications the resources required can be secured through the use of voluntary Planning Performance Agreements (PPAs). However, in circumstances where a PPA would not be appropriate, the fee for these applications should be increased substantially to reflect the resources required.

The current planning fees required for retrospective applications are considered inadequate and provide little incentive for developers to submit applications in advance of carrying out works to their property. The resources involved in regularising unauthorised works and changes of use are significant for a local planning authority and the fees associated with any retrospective application should be

increased to both cover the costs involved and provide a suitable deterrent to submitting a retrospective application. This principle should also be extended to cover enforcement appeals.

The current fees payable for Prior Approval applications should be reviewed to ensure they reflect the resources required for each type of application. The present fee structure does not reflect some of the complex schemes which will be involved with these applications and should be increased accordingly.

**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 consultation identifies applications such as listed building consent and carrying out works to trees where no fees are required. The principle being that these applications are required due to designations that require maintenance and preservation in the public interest. However, these applications do require local authority resources in their determination, so potentially a balance could be struck between those applications which are required for maintenance and preservation and those which are not. As in responses to Q89 and 90, there could be no fee payable for listed building applications where the proposal did not result in any additional floorspace and a fee required for proposals which involved a net increase in floorspace for either householder and commercial applications. Although many of these applications would normally be part of a pair with the relevant planning application there would be an input from both planning and heritage specialists, and this should be reflected in the additional fee for listed building consent if additional floorspace was involved. The level of fee required for cost recovery could be identified by PAS working in conjunction with relevant LPAs who receive a large number of these applications.

As the principle behind this potential fee increase would be to not penalise those who are required to maintain their properties which are covered by a heritage designation, all statutory undertakers should not be required to pay fees for applications for listed building consent which do not result in any net increase in floorspace. Although not included within the scope of this consultation, paragraph 14 recognises that fees are not currently charged for applications for listed building consent as preservation and maintenance of these buildings are required in the public interest. However, owners of listed buildings are still required to pay VAT for alterations which require listed building consent, unless the works can qualify for the lower rate of 5% relating to conversion from commercial to residential use or renovation of empty residential property. Yet, VAT is not chargeable on construction of new qualifying dwellings, so owners of listed buildings are effectively being financially penalised for maintaining their buildings. This VAT regime should be reviewed in order to reduce the financial burden on owners of listed buildings.

Given the principle of maintenance and preservation not attracting a fee, there should be no fee payable for works to trees.

**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.**

The cost of running the planning service will vary between planning authorities, and it should be open for them to set their own fees. We would note that currently the fees for householder and minor applications do not cover the cost of dealing with them and they are therefore subsidised by other parts of the service. Additionally, LPAs legally have to run an enforcement service which is not covered by fees and there is also local plan making and monitoring. To ensure that planning authorities are

able to provide their services in a timely and efficient manner, all planning fee income should be ringfenced to provide the service.

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

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

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

**Neither**

**Don't Know**

**Please give your reasons in the text box below.**

If an option had to be chosen for localisation of planning fees, the preferred model would be Local Variation as it would be the least onerous on the planning authorities.

**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?**

Yes. As included in the response to Q 94, there should be scope for local planning authorities to increase fees for pre applications and Planning Performance Agreements to help fund the wider planning service. Any increases in fees should relate to all developments not just major developments. Most local authorities will have many smaller scale applications which are resource intensive and often require specialist technical advice. All planning fees should be ringfenced in order to provide the planning service.

**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?**

As included in the response to Q94, planning application fees should also contribute towards the costs of local plan making, design and heritage guidance, enforcement and monitoring.

**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. A statutory power for local planning authorities and other statutory authorities to charge fees for their services in relation to Development Consent Orders (DCOs) needs to be introduced given the scale of resources and costs that can be incurred in dealing with DCOs. In addition, cost recovery agreements should be required between the DCO promoter and the relevant statutory authorities, including local planning authorities and other bodies, such as the Greater London Authority and Transport for London (TfL). This would ensure minimum level of service and issues being considered robustly at appropriate stages during the DCO process.

**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.**

Planning authorities and other relevant bodies should be reimbursed for the time and resources included in their participation during the National Statutory Infrastructure Process (NSIP) including appearing at the examination and determining associated applications. The cost of these resources could be waived where a PPA between could be waived where there is a PPA in place between the promotor and the relevant authorities.

In addition to local planning authorities, statutory authorities such as the GLA and TfL (where all or part of the red-line boundary of the DCO application is within their area (i.e. 'B' and 'C' authorities under Section 43 of the Planning Act 2008), should be able to recover costs.

For some types of NSIP scheme, significant environmental impacts will be experienced by neighbouring authorities. In these circumstances, any neighbouring local authorities ('A' and 'D' authorities) should also be able to recover costs if such significant environmental effects, including substantial changes in traffic flows, are forecast.

The scope of costs that should be recoverable needs to include internal and any specialist external staff costs (including external commissions that are required). These costs should also include the resources required to engage in the pre-application process, reviewing the DCO application material, preparing representations and fully participating as necessary in the examination to protect the authority's interests.

If the DCO promoter and authority are willing to enter into a Planning Performance Agreement (or similar), then this would supersede any cost recovery requirements specified more generally, for the duration of the PPA.

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

There should be guidance identifying the topic areas which can be included in an authorities' (both LPA and other relevant statutory authorities such as the GLA or TfL) costs. The guidance should include the principle that if the authorities' costs are within the scope of the identified costs, then the promoter of the development should be liable to pay these costs. The guidance should also set out any relevant process relating to promoters being able to review and approve the costs put forward by an authority together with a process for dispute resolution if necessary. In order to set expectations between the parties, the guidance could also include a framework or template for cost recovery where the initial scope of costs together with estimates could be set out by the relevant authority.

Any guidance should be developed with relevant authorities who are involved in the DCO process. This is important as the guidance should be based on evidence as to the scope of areas covered by costs of a range of projects, together with the actual costs and resources involved in this process in order that the public authorities are able to provide a robust case in this process.

**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.**

Many promoters of nationally significant infrastructure projects (NSIPs) are willing to enter into cost recovery agreements with relevant authorities. Imposing requirements for cost recovery should not impose significant extra costs on most promoters, although the scope of what costs can be recovered could increase. Specified cost recovery requirements would, however, provide the assurance for planning authorities and other authorities that, in principle, their costs will be covered. This will allow them to take action earlier to fully participate in the process of reviewing DCO applications and the in the examination. Allocating resources and securing the necessary support earlier should make the process more efficient, reducing the risk of delays while authorities do not have the resources they need in place.

As an example, the costs associated with TfL's role as an interested party in DCOs promoted by third parties vary widely dependent on the type of scheme, its location and whether the impact on TfL's responsibilities is direct (e.g. making changes to TfL assets) or secondary (e.g. causing changes in traffic flows on TfL's road network). For some DCOs the costs to TfL have been relatively limited, but for others the cost of staff time has approached £100k.

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

Given the extent of technical specialisms that are now included in planning policy, such as energy or BNG, this results in the requirement for additional resources by local planning authorities as they may not have access to in-house expertise.

There should be sufficient flexibility in any funding of the planning service to allow a number of local planning authorities to have access to a framework where they could draw down on specialist technical expertise rather than having to source this advice individually. The GLA is currently seeking to establish such arrangements via a Planning Squad for the benefit of London authorities and we would welcome further discussions. This should result in savings for the planning services involved and more timely and effective decision making as they would not need to directly appoint or procure the specialist consultants required.

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

Analysis of how the transitional arrangements operate in London indicates that the 200 homes figure disproportionately impacts on some authorities because it uses an absolute figure which is unrelated to the scale of the authority's housing need figure. For example, the City of London has a very low housing requirement and a very low need figure overall, so the difference between them will always be very small (irrespective of how big that figure is as a proportion of their overall need requirement).

A proportionate figure would be more appropriate and equitable.

It is suggested that a revised figure is developed which is relative to the total annual housing need figure, for example in Annex 1 paragraph 226(a), this could be replaced by a percentage figure of the total housing need.

We calculate the average LHN per local authority (minus county councils) to be 1,255 homes, so 200 homes is equivalent to about 15 percent of that average. If a figure such as this was to be used, the suggested text para 226(a) could be:

*“the emerging annual housing requirement<sup>83</sup> in a local plan that reaches or has reached Regulation 19<sup>84</sup> (pre-submission stage) on or before [publication date + one month] is no less than 85 percent of the published relevant Local Housing Need figure<sup>85</sup>;*

Given the importance of minimising delays to local plan-making, as the best way to increase housing supply, consideration should also be given to whether this figure is too low. It is suggested 20 percent (or where the housing requirement in the Reg 19 plan is 80 percent of the annual housing need figure) takes a more balanced approach to incentivising local plan-making and increasing housing supply. A lower figure could be required to commence early plan-making after adoption, using similar text to para 227.

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

Paragraph 226 refers to Part 1 and Part 2 plans, but this does not, for example, cover arrangements where a partial amendment to the plan is required following the plan review. It is suggested that this is expressed as *“where no new strategic policies setting the housing required are introduced and the housing requirement figure does not require updating or change”*.

Paragraph 227 of the proposed NPPF refers to *“commencing plan-making in the new plan-making system”* where transitional arrangements are not in place. In the context of the Levelling Up and Regeneration Act, the lack of the required plan-making regulations and the legislative programme set out in the King’s Speech in July 2024, this could be confusing and ambiguous. This may be better expressed as *“commence plan-making on a new plan at the earliest opportunity...”*.

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

Consideration should be given to reintroducing reference to ‘inclusive design’ to demonstrate it is a priority in planning, for example in Chapter 12 as a new paragraph 132. Alongside the more traditional understanding of inclusive design, the policy could highlight aspects like designing a built environment for women and girls, for people with neurodiverse needs, or broadly reference protected characteristics.

With regard to Planning Policy for Traveller sites, we welcome your intention to consider how policies should be set out in future. The PPTS is out of date, notwithstanding updated definitions of Gypsies and Travellers and Travelling Showpeople in PPTS annex 1 in December 2023. Similarly there is no extant guidance to assess these groups’ accommodation needs, the relevant guidance having been withdrawn in 2016 (Gypsy and Traveller accommodation needs assessments, DCLG 2007). Although in practice this guidance is still widely used, there remain uncertainties around how and whose needs should be assessed and planned for.

**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?**

Both in this consultation and the NPPF the term ‘traveller’ is in lower case (see NPPF draft text for consultation, paragraph 4, 63 and footnote 42). This does not recognise the communities’ distinct ethnic and cultural identity and is a hangover from the previous government. Terms such as Gypsies, Travellers and Travelling Showpeople should always have the first letter capitalised.