

## APPENDIX

**Proposed reforms to the National Planning Policy Framework and other changes to the planning system (July 2024)****Leicestershire County Council Response**

| <b><u>Chapter 3 – Planning for the homes we need</u></b> |   |
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| 1  | <p>Do you agree that we should reverse the December 2023 changes made to paragraph 61?</p> <p>Yes, to remove uncertainty and ensure the NPPF provides clarity it is logical to make the changes proposed.</p> <p>It enables a consistent approach to be taken across all Local Plans' development. However, there should be a greater need for strategic planning over a more strategic area, especially where two tier authorities exist to provide further consistency and embolden the Duty to Cooperate further. (See also our response to Q12).</p> <p>However, whether housing numbers are advisory or targets, delivery in practice depends on the coordinated investment in the strategic transport interventions required to enable housing and employment sites. Currently, the system is broken; from a transport and highways perspective the scale of interventions required is increasingly beyond that which development sites can afford from a viability perspective. Public investment, be that through monies awarded to Local Transport Authorities or via National Highways, bears no resemblance to the delivery of <u>real</u> homes and jobs on the ground, either in terms of quantum, timing, and of the approach to business case development.</p> <p>The broken system is manifesting in emerging Local Plans that Leicestershire County Council as the Local Transport Authority is increasingly struggling to support as being sound from a transport perspective; we have no confidence that the necessary investment in strategic transport interventions will come forward over the Plans' lifetime.</p> <p>There is a genuine concern that the Government's housing growth ambitions will be thwarted in practice because of a national failure to coordinate spatial planning, transport planning and investment decisions (albeit we await to see whether the proposals for Spatial Development Strategies will at least provide a step in the right direction – but see also response to Q12).</p> |
| 2  | <p>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?</p> <p>Yes.</p>  |

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| 3 | Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?   |
|   | <p>In L&amp;L significant progress has been made through strategic planning to deal with the unmet needs of Leicester City which was significantly exacerbated by the urban uplift. This led to a Statement of Common Ground for the Leicester and Leicestershire Housing Market Area (L&amp;L HMA) being prepared to deal with the redistribution of unmet needs to the Leicestershire districts.</p> <p>It is noted the increase in scale for housing set out in the new standard method will increase the L&amp;L HMA housing total by 6% (from 5,713 dwellings per annum (current Standard Method) to 6,036 dwellings per annum (July 2024, proposed new Standard Method)).</p> <p>Given the most sustainable locations in L&amp;L are Leicester City, areas immediately adjacent to Leicester City, followed by the market towns, it remains paramount that Leicester City continues as a key focus for growth in L&amp;L. The formalisation of strategic planning is welcomed as it should enable a continuation of effective and strengthened partnership working for cross boundary and strategic planning matters.</p> <p>Bearing in mind that the housing needs of some larger cities could not be met within their own boundaries before the imposition of the uplift resulting in unmet need being distributed to neighbouring authorities it is logical to remove the uplift requirement.</p> <p>The current urban uplift is a blunt approach. If an urban uplift was supported by government an alternative approach would be to have a sliding scale or band based on size, so the uplift is proportionate to the size of the city or urban centre. This approach would capture an uplift to other locations which form major urban centres which were previously not captured.</p> |
| 4 | Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?  |
|   | No, at least not until qualifications/safeguards are introduced that mean that increases in density will not come at the expense of space required to provide transport infrastructure, including cycle tracks and footways delivered in accordance with LTN1/20. More widely, increased densities should not come at the expense of reductions in green space, from mental and physical health, and environmental perspectives.   |
| 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?  |
|   | This question seems at odds with para 12 of the consultation document?   |

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|   | <p>More locally specific design codes are supported for specific areas, masterplans and guides for areas of most change and potential as well as for new communities.</p> <p>Design codes should also enable incremental change in established areas as well as for large new communities and locate development in those locations.</p> <p>Reflective of our response to Q4 design codes need to enable travel choice and priority for active and sustainable travel, rather than car focussed developments.</p> <p>Suggest local design codes boundaries require agreement in the same way Neighbourhood Plans require boundary agreement.</p>  |
| 6 | <p>Do you agree that the presumption in favour of sustainable development should be amended as proposed?</p>  |
|   | <p>Yes, broadly speaking, but see response to Q69.</p> <p>The proposed amendments to paragraph 11 are supported as they will enable sustainable development to be brought forward more effectively at times when there might otherwise be a planning vacuum thereby boosting housing supply.</p> <p>To bring in the idea that those policies most important are always those for the supply of land provides clarity, but safeguards would be needed to ensure that this does not result in lesser weight being given to policies which are important in individual cases. Every case should be assessed on its merits.</p> <p>Sustainable development should have a stronger commitment to environmental sustainability given the need to improve climate change resilience and emerging Local Nature Recovery Strategies.</p> |
| 7 | <p>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?</p>   |
|   | <p>Yes. To achieve the required level of housing delivery it is going to be necessary for all authorities to maintain a 5-year housing land supply at all times. To achieve this without the need to continually review allocations LPAs will need to build in a sufficient buffer in their original plan to allow for sites not coming forward. Alternatively, they may have to accept that sites will be brought forward as sustainable development under paragraph 11 of the NPPF.</p> <p>Response to Q1 applies here, too. It is one thing to be able to demonstrate a 5-year supply, but it is another to be able to unlock the land for development in practice where the funding is not available to coordinate the delivery of the necessary strategic interventions, transport or otherwise.</p>                       |

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| 8  | Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?   |
|    | Yes. If the requirement to maintain a 5-year housing land supply is agreed, it is logical to delete paragraph 77.   |
| 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, in order to provide flexibility and resilience in housing delivery.  |
| 10 | If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?  |
|    | Yes, 5% is an appropriate buffer. Although given the 5-year land supply would need to be maintained at all times consideration could be given to a 10% buffer.  |
| 11 | Do you agree with the removal of policy on Annual Position Statements?  |
|    | Yes, as Annual Position Statements are not regularly used for the sake of clarity it is better to remove that option but require ongoing monitoring and reporting of available deliverable housing land.  |
| 12 | Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?  |
|    | <p>Yes. The amendments to further support effective co-operation on cross boundary and strategic matters are welcomed.</p> <p>It is essential to promote closer working relationships across HMAs or Functional Economic Market Areas (FEMAs) to ensure that a coherent delivery strategy can be delivered not only for housing and employment but also essential infrastructure.</p> <p>Leicestershire County Council particularly welcomes the recognition for strategic issues regarding waste and minerals and major infrastructure, such as major transport services/projects, utilities, environmental improvement and resilience, and strategic health, education and social infrastructure (such as hospitals, universities, major schools, major sports facilities and criminal justice accommodation).</p> <p>It is recognised the DtC (Duty to Corporate) remains a legal requirement under the current local plans system and will continue to apply to local plans progressed within the current system, which is essential for the delivery of strategic and local infrastructure, to meet housing needs, to move towards a cyclical economy and to improve climate resilience. The new government's intention to also explore the most effective arrangements for developing SDS's outside of mayoral areas in order to achieve universal coverage in England, recognising the need to consider both appropriate geographies to use to cover functional economic areas and the right democratic mechanism for securing agreement is warmly welcomed and supported.</p> <p>Allied to this is the need to ensure strategic partners, such as National Highways (NH) and Network Rail (NR) are in a position to align their funding</p> |

to help deliver aspirations in adopted SDSs (Spatial Development Strategies).

In L&L we have a proven track record on the sharing of unmet housing need in a two-tier area. This is demonstrated through the L&L SoCG (Statement of Common Ground) relating to Housing and Employment Land Need (June 2022). The partnership working we have undertaken on an informal basis since 2015, and continue to undertake, stands L&L in a very positive position for moving forwards to a more formal set up.

L&L features as a case study in a very recent piece of research published by the Royal Town Planning Institute (RTPI) entitled "Strategic Planning in England" 16 August 2024 undertaken by UWE (University of the West of England), Catriona Riddell Associates and Richard Wood Associates; this provides good insight in advance of the welcomed conversation with government.

It could be strengthened further to include infrastructure providers, such as National Highways and Network Rail and require their commitment to the delivery of infrastructure to deliver new development. At present they work collaboratively but with little commitment to delivery.

Broadly speaking, the concept of Spatial Development Strategies (SDS) is welcomed, and they have the potential to fulfil the role of the long since abolished County Structure Plans. However, there are some important caveats in terms of their implementation, especially in non-Mayoral, two-tier administrative areas, viz:

- i) They need to cover the 'right' geographic areas, i.e. reflect Housing Market Areas or Functioning Economic Areas.
- ii) There needs be clear duties and responsibilities on/for the parties contributing to their development, set out and enforced through legislation and/or regulation as necessary.
- iii) There needs to be an effective governance and accountability structure one that balances democratic considerations Vs. progress on the development of a SDS stalling due to 'design by committee'.
- iv) It needs to be clear how they relate to other documents, for example Local Plan Infrastructure Delivery Plans or Local Transport Plans.

Notwithstanding the points above SDSs will only be effective in practice if the funding is available to deliver them. Additionally, authorities will need to be appropriately resourced and funded to develop them.

The proposed changes to the NPPF (paragraphs 24-27) are generally welcomed and supported in principle, albeit caveats in a similar vein to the above apply here, too.

There is a concern, however, about the proposed additional wording to NPPF paragraph 28. Whilst on the one hand it might appear to be pragmatic, in reality there is a concern about firstly, how policy making authorities and Inspectors will be able to make 'informed decisions' when something is

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|    | uncertain or unknown; and secondly, that parties at Local Plan Examinations in Public will argue that such uncertainties are or are not material to the Plan's soundness as might best suit their cases.   |
| 13 | Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?   |
|    | <p>Yes, this is an option as providing evidence of deliverability and viability on strategic scale proposals and associated infrastructure is problematic if not impossible, and yet crucial to deliver the scale of growth sought.</p> <p>Consideration should be given to the inclusion of a new 'test of soundness' for plan making which deals with the 'longer term'. This should demonstrate consideration and commitment to a longer-term direction of travel at the HMA/FEMA level, which is referenced in Local Plans. This should focus on identifying the strategic infrastructure required to support the delivery of homes and jobs beyond the 10/15 year local plan period, so looking to identify strategic infrastructure now for homes and jobs to be delivered in the 10/15 year to 30-year period from now. This separation from other tests of soundness is in recognition that the viability of longer-term aspirations to bring forward growth are unlikely to be demonstrated at the time a plan is tested through Examination, yet it is vital to plan for the longer term now hence needs to be articulated in plans to enable certainly, continuous alignment of investment and continuous commitment for all stakeholders involved in the delivery of growth.</p> <p>However, the question misses a key point, which is broader and wider than the question implies, and the reverse of what paragraph 29 of the consultation states. That is, in practice, there are <b>numerous barriers to the inclusion of strategic scale infrastructure in Local Plans necessary to enable the Plan's delivery</b>, including:</p> <ul style="list-style-type: none"> <li>i) The identification and initial development of such is disproportionate to the level of evidence required for a Local Plan.</li> <li>ii) A failure of strategic infrastructure operators/providers, such as National Highways, to engage effectively and meaningfully in a Plan's development and to recognise their responsibilities in its subsequent delivery.</li> <li>iii) The issues raised in point ii), in part arise because the infrastructure operators/providers ability to engage/take responsibility is fettered by its remit/ operating licence determined by 'Government' and/or by financial decisions made by HM Treasury.</li> <li>iv) The inclusion of such would render the Plan unviable.</li> <li>v) The inability to include things in a Local Plan that are not deliverable within its time period.</li> <li>vi) The lack of coordination between spatial planning and infrastructure investment.</li> </ul> <p>In practice, in Leicestershire we are increasingly experiencing circumstances where Local Plans face the very real likelihood of being found unsound</p> |

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|  | because they cannot provide for the strategic transport interventions required to deliver them.   |
| 14   | <p>Do you have any other suggestions relating to the proposals in this chapter?</p> <p>Yes, in taking a longer-term view seek to ensure the investment plans of infrastructure providers fully align with aspirations set out in local and strategic plans through an enhanced Duty to Co-operate or equivalent mechanism in the new planning system.</p> <p>Emphasis should be placed on the delivery of developments that can best provide the necessary infrastructure to support new and existing communities.</p> <p>There is a strong need to consider and put in place arrangements to require and hold joint Local Plan Examinations where strategic and cross boundary considerations exist, joint evidence is being prepared and timings of Local Plan preparation enables this to happen. This should be for the examination of strategic policies which are usually considered at the outset of a Local Plan Examination prior to linked but separate debate and consideration by the Planning Inspectorate of non-strategic issues.</p> <p>The RTPI research “Strategic Planning in England” 16 August 2024 notes several organisations and commentators are now calling for a more comprehensive approach to strategic planning in some form (Local Plans Expert Group in 2016 through to Building the Future Commission 2023 and All Party Parliamentary Group on Housing Supply and Delivery 2023), and the research contains key findings which are considered to be logical and rationale; and it is hoped will form an important input to the detailed proposals for future strategic planning arrangements.</p> |
| <b>Chapter 4 – A new Standard Method for assessing housing needs</b> |   |
| 15   | <p>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?</p> <ul style="list-style-type: none"> <li>• Using housing stock rather than the latest household projections to inform the baseline for the new standard method is logical and will reduce potential for lengthy debate at Local Plan Examinations.</li> <li>• The baseline for the standard method should be consistent over the whole country, be easily understood, and provide an effective benchmark for housing requirements. The proposed method should achieve this.</li> <li>• The main drawback is that it is likely to give rise to increased pressure on open space in urban areas. However, planning policy designations should alleviate this pressure as will the subsequent spatial distribution steer.</li> </ul>   |
| 16   | <p>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?</p> <p>Yes, although in the future it may be appropriate to extend to the most recent 5 years to ensure any unusual peaks or troughs in affordability are smoothed out, this will give further stability to the new standard method.</p>  |

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|  | Also note this is not broad enough to cover all sectors of society such as older people receiving a pension, a growing proportion of the UK population.  |
| 17   | Do you agree that affordability is given an appropriate weighting within the proposed standard method?   |
|  | Yes, support the revision to the affordability adjustment, adjusting it upwards in areas where house prices are more than four times higher than earnings. The revisions to the formula should increase the housing requirement and therefore have a positive impact on affordability.   |
| 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?   |
|  | The formula could factor in an adjustment where the demonstrable need for affordable housing (including rental) exceeds the level that would be delivered through current and proposed housing policy. Dependent on the level of shortfall a buffer of 5% could be suitably adjusted.  |
| 19   | Do you have any additional comments on the proposed method for assessing housing needs?  |
|  | See response to Q18.   |
| <b>Chapter 5 – Brownfield, grey belt, and the Green Belt</b> |  |
| 20   | Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?  |
|  | <p>Note it appears this question refers to Paragraph 122c and not 124c.</p> <p>No, the proposed NPPF changes are not supported as currently drafted. Whilst the general sentiment to promote the reuse of land is supported, from a transport perspective there is a concern that the current proposed changes to NPPF paragraph 122c tilt the balance too far in favour of the automatic presumption that redevelopment of <b>any</b> brownfield site is acceptable. For example, a brownfield site might be poorly located in terms its accessibility to active and sustainable modes of travel or have an historic site access arrangement that would otherwise be unsafe to serve a redeveloped site. If paragraph 122c is amended, it should include a qualification similar to that proposed to paragraph 11. d. ii) (and arguably without such there might be disagreements as to whether 122c overrides 11. d. ii)).</p> <p>Note if Previously Developed Land (PDL) is of high biodiversity value this should be taken into consideration and development proposals carefully considered.</p> <p>It is considered development of brownfield land for purposes such as recreation can provide cities with greater access to greenspaces an aspiration of the proposed changes. Homes could be incorporated into recreation development but not be the main objective dependent on the evidence base for needs alongside Natural England's Green Infrastructure Framework.</p> |



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| 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?  |
|    | This change must come with strong definitions as to what is considered low quality previously developed land.  |
| 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 as proposed will bring agricultural land within the definition of PDL which could be problematic.<br><br>Horticultural production should be protected as a sector within the development of residential areas to allow greater access and sustainability of produce. Suggest needs assessment and vision setting are required in the same way as the vision led approach taken with transport networks.  |
| 23 | Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?   |
|    | Agree, and also agree with suggestion for additional exclusions such as areas identified in draft or published Local Nature Recovery Strategies.   |
| 24 | Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?  |
|    | The proposed definition for grey belt to be inserted in the glossary is supported.<br><br>Definition of high performing is important, suggest regenerative or conservation management be encouraged in green belt areas to promote better land management and ensure that it remains high performing. Many sites within green belt are likely to be used for equine grazing and could be improved to perform better for access to nature and recover nature to make it bigger, better, and more connected.<br><br>May need to consider the role of the grey belt land in supporting the habitat, species, and ecosystem of the surrounding green belt land. This could be picked up in the environmental / ecology survey or be informed by the future Local Nature Recovery Strategies which will identify existing and potential future areas important for nature/biodiversity. |
| 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?   |
|    | Consider it appropriate to be contained in planning practice guidance.   |
| 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?   |
|    | Defining grey belt by virtue of its contribution to the Green Belt purposes is logical and should assist with transparency and justification.  |

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| 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?   |
|    | LNRs should play an important role in ensuring those areas with scope to provide significantly enhanced habitats and increased biodiversity value are identified and improved for local nature recovery, and in many cases could look to strengthen the function of the Green Belt.                                      |
| 28 | Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?  |
|    | Yes.   |
| 29 | Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?  |
|    | Yes.   |
| 30 | Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?   |
|    | Through plan making would be the preference, however, it is understood the intent is for limited release through this route.   |
| 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 co-location of employment and other uses to support the wider social and economic needs of communities is supported.<br><br>A visionary approach to the use of land around cities could be taken to ensure that development does not preclude restoration of poor-quality land for future approaches to food supply. |
| 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?   |
|    | Consider it should apply as it would be logical to do so.  |
| 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?   |
|    | Consider if G&T assessments of need indicate an unmet need in a location, this factor together with other factors should inform the decision to undertake a Green Belt Review.   |
| 34 | Do you agree with our proposed approach to the affordable housing tenure mix?  |

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|    | Yes, and support the tenure split for affordable housing being for local authorities to decide.  |
| 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?  |
|    | Start with 50 per cent target with a view to accepting a percentage reduction in lower land value areas.   |
| 36 | Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?  |
|    | Yes, approach would also need to take account of the Local Nature Recovery Strategy. Especially where it has identified areas which could be of particular importance for nature or particular habitats or species that need protecting or enhancing.  |
| 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 setting Benchmark Land Values (BLVs) at the lower end of the spectrum referred to in paragraph 30 of the consultation paper on the proposed changes to the NPPF, is supported.  |
| 38 | How and at what level should Government set benchmark land values?   |
|    | See response to Q37 above.   |
| 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?   |
|    | <p>In the entire document the word “obligations” appears 3 times; once for affordable housing, once for local plan intervention criteria, and once for “relevant s106 infrastructure” but in the context of NSIPs. The actual delivery of infrastructure has EITHER been overlooked as part of the consultation, or there are no planned changes, or little of significant.</p> <p>Welcome the removal of the intent to pursue the Infrastructure Levy. Note there is no reference to paragraph 57 of the existing NPPF which sets out the legal tests, and a desire to “Improve the existing system of developer contributions”, but seemingly in the context of Affordable Housing.</p> <p>All reference to the “golden rules” in terms of national infrastructure seems to come in context of green belt benefits, and paragraph 23 of the NPPF proposed changes says that specific elements are required through... planning decisions, and paragraph (b) puts infrastructure second behind affordable housing (assuming a, b and c is the order).</p> |

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|  | More information is required on exactly what the golden rules are, and how <b>they</b> will transact with the planning process – it is difficult to factor how viability plays a part in rules we know little detail about.  |
| 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?   |
|  | Agree with this approach where development is policy compliant.  |
| 41   | Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?  |
|  | Yes, agree developments should be subject to late-stage viability reviews and would welcome agreed wording.  |
| 42   | Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers' sites and types of development already considered 'not inappropriate' in the Green Belt?  |
|  | No comment.  |
| 43   | Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?  |
|  | No comment.  |
| 44   | Do you have any comments on the proposed wording for the NPPF (Annex 4)?   |
|  | No comment.  |
| 45   | Do you have any comments on the proposed approach set out in paragraphs 31 and 32?   |
|  | No comment.  |
| 46   | Do you have any other suggestions relating to the proposals in this chapter?   |
|  | <p>The proposals in this chapter should only apply to green belt and not areas designated as areas of separation, green wedges, locally important areas of green space and open countryside where local plan policies should be applied to meet individual circumstances.</p> <p>Reference to necessary improvements to local and national infrastructure in proposed paragraph 155b is welcomed. However, whilst not necessarily wishing to see it being struck from the proposals its specific inclusion in respect of green belt land highlights the absence of reference to such in terms of a wider, general NPPF requirements.</p> |
| <b>Chapter 6 – Delivering affordable, well-designed homes and places</b> |  |

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| 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?  |
|    | LPAs should consider the need for social housing in determining the mix of affordable housing and balance this against the ability of the development to deliver that level of social housing without funding support.   |
| 48 | Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?  |
|    | The mix of affordable housing should be balanced against the known affordable housing needs of the area as supported by the latest available evidence.   |
| 49 | Do you agree with removing the minimum 25% First Homes requirement?  |
|    | See response to Q48.   |
| 50 | Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?  |
|    | The delivery of first homes on exception sites can help meet the needs of individual communities in providing for the needs of that locality particularly important in maintaining the vitality of smaller rural communities.  |
| 51 | Do you agree with introducing a policy to promote developments that have a mix of tenures and types?   |
|    | Sound evidence-based planning should facilitate the delivery of developments that provide a mix of house types and tenures that meet the needs of all sections of the population.  |
| 52 | What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?   |
|    | By providing adequate easily accessible funding to ensure that the Social Housing can be delivered as part of a wider viable housing development without the need to reduce the delivery of important infrastructure the need for wholly affordable developments can be avoided thereby creating more inclusive communities.<br><br>Access to social, economic and environmental infrastructure to support all communities is very important, so ensuring access to high quality sustainable transport, greenspace and access to employment and education. |
| 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?   |
|    | See response to Q52.   |
| 54 | What measures should we consider to better support and increase rural affordable housing?  |

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|    | <p>In addition to widening permitted development rights by treating the sites of uneconomic and redundant farm buildings as PDL additional housing could be delivered in some locations without detriment to the countryside.</p> <p>Suggest supporting community-led housing policies and examining incomes in relation to the businesses operating in rural areas not just the LPA (Local Planning Authorities) area.</p>  |
| 55 | Do you agree with the changes proposed to paragraph 63 of the existing NPPF?   |
|    | Yes, in addition provision needs to be made supporting the conversion of existing housing stock to meet the needs of specific groups within the community.   |
| 56 | Do you agree with these changes?   |
|    | This relates to community-led housing, agree with the principle to strengthen provisions, particularly where they accord with the Neighbourhood Plan.  |
| 57 | Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?   |
|    | No.  |
| 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?  |
|    | Very often small sites come within the orbit of infill or windfall sites that the market will bring forward without the need for specific allocation. In addition, many small sites rely on being brought forward via neighbourhood plans. Where no NP exists, it is right to allocate small site to support the needs of those communities.   |
| 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?  |
|    | <p>Yes, whilst the premise of the term had been welcomed, it is recognised that any definition attached to 'beauty' and 'beautiful' is challenging and open to interpretation given the subjective nature.</p> <p>Good design should include design which fits into its surroundings. Well-designed development should function well in its surroundings, however functional and well-designed need not mean beautiful. It is important that the changes do not result in development which has a negative impact on the landscape or area.</p> <p>Modern waste development for example would probably struggle to be called beautiful but can be well-designed. When done well, it is both needed and fits in well with its area where it is often indistinguishable from other industrial units in the surrounding area.</p> |

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|   | <p>Agree with removal of references to beauty and beautiful due to the subjective nature of these phrases. But need to ensure that the frameworks set out in the NDG and NMDC are fit for purpose as the quality of a person's home/community is one of the key determinants of their future health, wellbeing and prospects.</p> <p>Well-designed buildings and places may/are likely to cost more to deliver, do the government want affordable housing, infrastructure, or well-designed places top of the list? because in some parts of the country and county, delivering all three will not be possible.</p>   |
| 60  | <p>Do you agree with proposed changes to policy for upwards extensions?</p> <p>Yes.</p>   |
| 61  | <p>Do you have any other suggestions relating to the proposals in this chapter?</p> <p>New housing should be developed/designed to include or accommodate renewable energy generation as much as possible. New homes should include options for solar generation, decarbonised heating, enhanced insulation etc. The production of energy in the home (via solar) will also reduce household bills and make homes more affordable.</p>  |
| <p><b>Chapter 7 - Building the infrastructure to growth the economy</b></p> |   |
| 62  | <p>Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?</p> <p>Yes, the recognition of identifying appropriate sites and making provision in relation to furthering the digital economy is welcomed.</p> <p>It is important to support sectors and clusters for the modern economy and these can include those mentioned in the proposed changes. Also, a modern economy should be circular. This provides an opportunity to 'join up' NPPF with the National Planning Policy for Waste.</p> <p>Agree that development needs to support the economy of the future. But this should not be done at a cost to the environmental and social resources/values of the area.</p> <p>The same comment applies here as to our response to Q1, there is a genuine concern that the Government's economic growth ambitions will be thwarted in practice because of a national failure to coordinate spatial planning, transport planning and investment decisions.</p> |
| 63  | <p>Are there other sectors you think need particular support via these changes? What are they and why?</p> <p>Whilst it is important to support a modern economy, care must be taken not to single out specific uses or sectors at the expense of others. The chosen sectors must be balanced with the need to support others.</p> <p>Those chosen appear to be good examples. Others could include high technology clusters; research institutions; green technologies or circular economy innovation. There may of course be local variations, and these</p>  |

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|  | <p>should be allowed for through local plans without the concern that this is contrary to national policy or guidance. A modern economy should be circular and therefore the wording should include reference to development to support innovation for a circular economy. Without the reference, this would be a missed opportunity to join up strategies and ensure a drive for the circular economy.</p> <p>Sectors that support the urgent need to move to a green economy should be supported such as energy generation/distribution energy efficiency, building retrofit, high quality modular housing/buildings, industry that supports nature-based solutions (esp in rural areas), the training and upskilling of people for the green economy. Reason: to help speed up the green transition, create the jobs of the future and to reduce the impact on sunset industries and jobs.</p> |
| 64   | <p>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?</p>  |
|  | <p>It is recognised data centres, gigafactories and /or laboratories are new components of our growing economy, and their growth needs to be supported. However, the preference is for these uses to be allocated through the local plan making process and for decision making on such applications to be taken at the local level wherever possible. The proposed new SDS's could provide the route through which such uses of a larger scale are allocated in the future.</p> <p>Broadening the scope of the NSIP regime would divorce these types of development from the mainstream planning regime and be counterproductive in the plan making process unless seen as strategically important on a sub-regional or regional level.</p>  |
| 65   | <p>If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?</p>   |
|  | <p>See response to Q64.</p>   |
| 66   | <p>Do you have any other suggestions relating to the proposals in this chapter?</p>   |
|  | <p>No.</p>  |
| <p><b>Chapter 8 – Delivering community needs</b></p> |   |
| 67   | <p>Do you agree with the changes proposed to paragraph 100 of the existing NPPF?</p>  |
|  | <p>Yes, this would seem reasonable. The proposed change is supported in that it encourages development at a strategic level with sites meeting the needs of new communities and supporting those within the wider area.</p> <p>Public Service infrastructure should include parks.</p>  |
| 68   | <p>Do you agree with the changes proposed to paragraph 99 of the existing NPPF?</p>   |



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|    | <p>Yes, this would seem reasonable. We welcome the clarity provided by the inclusion of 'early years' and 'post-16' rather than simply 'school'. This allows for the appropriate provision to be made.</p> <p>To be entirely inclusive of all areas of school-based education SEND (Special Educational Needs and Disabilities) should also be included within the provisions.</p>  |
| 69 | <p>Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?</p>   |
|    | <p>Note this question refers to the incorrect paragraphs, the revised ones are the former paragraphs 112 and 113 within the NPPF.</p> <p>No, not as presently drafted and in the absence of the updated guidance that is to be published alongside the policy coming into effect.</p> <p>Currently, Leicestershire County Council as the Local Transport Authority (LTA) has significant concerns that:</p> <ul style="list-style-type: none"> <li>• The success of a vision-led approach will largely rely on the quality and clarity of the guidance, but over recent years we have seen guidance become less prescriptive e.g. removal of Guidance on Transport Assessments, and reliance on subjective measures such as "severe impact". These, on the whole, have not helped an efficient development management process, with more matters open to interpretation and subjective considerations.</li> <li>• There is ambiguity about responsibility on whether the vision and validation process should be identified is required. Is this a Local Plan, Planning Application, Local Transport Plan or all three?</li> <li>• Potential conflicts will arise as to whose vision is it (especially in two-tier administrative areas), a developer's, the LTA's, a district council's? What happens when they do not align, e.g. because of differing imperatives of and drivers for visions?</li> <li>• There will be difficulties as to how visions are to be assessed and validated through the development management process, including by LTAs, Local Planning Authorities (LPAs) and by the Planning Inspectorate, e.g. at appeal inquiries? Likewise, at Local Plan EiP and potentially wider, e.g. through Compulsory Purchase Order procedures and inquiries?</li> <li>• There is ambiguity about the fallback requirements if a vision fails to materialise in practice. What are the practical, lawful remedies open to, say, LTAs (including NH) and LPAs? What is the redress for local communities impacted adversely by the failure of a vision-led approach?</li> <li>• A vision-led approach could be taken advantage of by the development industry, i.e. to use it as an opportunity to contribute less than is reasonably required to mitigate the impacts of a development site.</li> </ul> <p>Additionally, the LTA strongly objects to the proposed inclusion of "in all tested scenarios" in new para 113; the merit of this does not appear clear. The current wording sets an already high bar or threshold of impact and its</p> |

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|    | <p>inclusion over the last few years has enabled its quantification to be somewhat established through appeal decisions and similar. The proposed addition of 'all scenarios' muddies the waters and only adds unnecessary ambiguity. For example, does a 'without development' scenario count as one of the tested scenarios? And, if so, then in theory severe impact in the context of a planning objection can only occur where it already exists in a without development scenario. We presume that this cannot be what is intended/envisaged by this proposed revision as it would undermine the transport assessment process.</p> <p>In addition, greater synergy could be developed through these paragraphs between the development of the Local Plan and Local Transport Plan especially development of planning policy paragraphs. There remains a lot of uncertainty.</p> <p>There also needs to be a reflection of an 'active and sustainable transport first', as the changes, whilst helpful, still enable car dominated development. Perhaps wording around enabling travel choice would be more beneficial.</p> <p>Also, the balance between need and viability remains, but under the current economic and financial constraints. Therefore, this will continue to be a challenge for the delivery of required transport infrastructure to enable development being delivered.</p> |
| 70 | <p>How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?</p>  |
|    | <p>National planning policy that has healthy placemaking at its core would greatly assist. Accessing green spaces, healthy transport infrastructure that facilitates sustainable active travel, and community facilities that foster social interaction. National Planning Policy that considers the ageing population and how urban design can respond to the changing demographic shift-accessible homes and places suitable for the whole life course.</p> <p>Greater direction and clarity on Health Impact Assessments and that they can be included within local plans. Guidance and standards on Health Impact Assessments at a national level to reduce differences between different County Councils and create a more standardised approach.</p> <p>Consistent approaches to controlling hot food takeaways would be very welcome. Controlling ones near to schools as well as limiting takeaways in areas that already have a high density of hot food takeaways within an area. Considerations around approaches that could limit hot food takeaways in areas of high deprivation and/or areas that have high levels of obesity/childhood obesity.</p> <p>Encourage self-sufficient food production and growing places as well as educational provision around conservation and the importance of maintaining greenspaces. Encourage planning that encourage better food choices.</p>    |

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|  | <p>Transport has a key role to play in promoting healthy communities and tackling childhood obesity through the promotion and use of active and sustainable modes of transport over car-based journeys.</p> <p>In addition, the promotion of alternative fuels and low emissions through the planning process for transport and not only development will improve air quality and other forms of pollution which can undermine the health of our communities and the environment in which they undertake their daily activities.</p> <p>Encourage development that is less car centric, move to 15-minute community model if appropriate for location. Encourage more active and sustainable travel. Provide natural green spaces/habitats for children to play, run around and have fun.</p>  |
| 71   | Do you have any other suggestions relating to the proposals in this chapter?   |
|  | No comment.  |
| <b>Chapter 9 – Supporting green energy and the environment</b> |  |
| 72   | Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?   |
|  | Yes, provided impacts on the local environment, heritage and communities are properly considered and consulted on. This would be in common with solar energy projects, where large projects above a set level of energy production are integrated into the NSIP regime.  |
| 73   | Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?   |
|  | <p>In principle yes. Would be better if this was undertaken within the framework of a national and local Land Use Framework which has considered the competing demands on the finite resource that is land and assessed the best, most appropriate and sustainable use of each parcel of land taking into account all the factors involved. There will always need to be a balance between various national, regional and local needs.</p> <p>The County Council has committed to become a Net Zero Council by 2035 and working with others to become a Net Zero County by 2050, and to support this have published a Net Zero Action Plan and Strategy.</p> <p>Within the Action Plan specific actions cover an increase in renewable energy generation, to deliver capacity required for electrification of heat, transport etc and exploring opportunities for the 'Invest in Leicestershire Programme' to support net zero targets through increased renewable energy generation.</p> <p>The County Council is also a key partner in the LCAN (Leicestershire Collaborate to Accelerate Net) project which seeks to deliver Community Energy projects (which will consider a range of renewable energy solutions) and map renewable options via the development of the Local Area Energy</p> |

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|    | <p>Plan. Local Area Energy Plans should form part of the development/local planning process.</p> <p>LPA's should identify within their plan areas those areas most suitable for renewable generation.</p>  |
| 74 | <p>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?</p>  |
|    | <p>Yes, but this should be extended to maintaining biodiversity, this is a national crisis also.</p> <p>Certain habitats should have additional protections where this is seen as required either through the existing national designations mechanisms and possibly through the forthcoming Local Nature Recovery Strategies.</p>   |
| 75 | <p>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?</p>   |
|    | <p>Yes, support this change.</p>   |
| 76 | <p>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?</p>   |
|    | <p>No. The threshold should align with that of onshore wind at 100MW.</p>  |
| 77 | <p>If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?</p>  |
|    | <p>Not applicable.</p>   |
| 78 | <p>In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?</p>  |
|    | <p>Supporting the circular economy and joining up this idea with wider planning policy is an area where benefits could be seen.</p> <p>There is a need to be more strategic in both mitigation and adaptation. Large scale mitigation and adaptation is needed to meet targets for net zero and in order to help mitigate and adapt to climate change. An example of this is mitigation and adaptation through mineral (and sometimes waste) site restoration. This could be through carbon sequestration for example, or through flood storage on former minerals sites.</p> <p>A requirement for assessment of carbon impacts in all planning applications above a certain scale with measurement and assessment of emissions and measures to minimise impacts would be an obvious change to make. The aim being carbon neutral, or even carbon negative, development where possible. To support this, climate change mitigation requirements within all</p> |

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|    | <p>applications above a certain scale would also be a specific and deliverable change.</p> <p>Specific policy on Natural Flood Management should be expected of every authority. Weighting on planning application related to due regard for LNRS and nature-based solutions.</p> <p>Transport has a key role to play in promoting climate change mitigation and adaption through the promotion and use of active and sustainable modes of transport over vehicle-based journeys. This lowers the number of emissions that are generated by the transport network.</p> <p>The provision of public services and facilities, so that they can be accessed within the local community and by active and sustainable modes of transport. This will reduce the need for long journeys to access them, resulting in the prevention of the reliance of vehicle-based journeys.</p> <p>In addition, the promotion of alternative fuels and low emissions through the planning process for transport, and not only development, will improve air quality and other forms of pollution which can undermine the health of our communities and the environment in which they undertake their daily activities.</p> |
| 79 | <p>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?</p>  |
|    | <p>Technological readiness relating to carbon accounting among planning authorities and planning officers is low. The main challenge to increasing the use of carbon accounting in plan-making and planning decisions is that it is not mandatory.</p> <p>It is understood Green book accounting is not applied in many authorities.</p> <p>Need to develop wider range of carbon accounting tools for wider range of habitats and other carbon sequestration and storage solutions. There also needs to be a high degree of confidence in the tools. There should be an agreed consistent minimum standard for Carbon Accounting – possibly an international standard? Training should be given to ensure planning authorities, and all involved in decision making, understand the outputs of these tools.</p>   |
| 80 | <p>Are any changes needed to policy for managing flood risk to improve its effectiveness?</p>  |
|    | <p>The potential off-site impacts of new development on surface water flood risk are largely proportional to the impermeable area being created. A lead local flood authority (LLFA) is only a statutory consultee on 'Major Development' as defined by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>  |

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|    | <p>This legislation creates situations whereby an LLFA is not a statutory consultee on development of great significance to surface water flood risk, such as large surface level car parks less than 1ha. However, the LLFA would be consulted on a small building within a large application site boundary (such as farms and estates), or small footprint multi-story buildings (such as an apartment block of 100 units). The legislation on when an LLFA is a statutory consultee should be tailored to ensure it includes development which presents the greatest risk to off-site flooding.</p> <p>Surface water design standards and guidance are non-statutory and standards within Strategic Flood Risk Assessments vary across the country. Consistent national statutory minimum design requirements may provide greater weight in planning decisions.</p> <p>Paragraph 175 of the NPPF states that developers should <i>'take account of advice from the lead local flood authority'</i>. The language in this statement is very soft and reads as if it is optional.</p> <p>Paragraph 173 states that development should <i>'incorporate sustainable drainage systems'</i> whereas paragraph 175 states that <i>'major development should incorporate sustainable drainage systems'</i>. Paragraph 175 implies sustainable drainage systems only apply to major development.</p> <p>Paragraph 170 states that development should <i>'where possible...reduce flood risk overall'</i>. Whilst this provides an opportunity, in reality developers rarely reduce flood risk offsite aided by the policy being so weak. New development adjacent to rivers and watercourses provide potential investment and opportunity to create greater flood storage capacity and improved habitat. It would provide greater planning weight if the language used in this policy was strengthened.</p> |
| 81 | <p>Do you have any other comments on actions that can be taken through planning to address climate change?</p>  |
|    | <p>There perhaps should be a recognition that minerals and waste planning, particularly site restoration, has contributed to climate change mitigation and adaptation for many years and that this continues. With this recognition could come support for greater collaboration between districts and counties on mitigation projects at a strategic scale, whether through minerals and waste restoration projects or otherwise.</p> <p>Design of housing needs to create space for vegetation that is considered more than just an amenity but essential for lowering temperatures and improving atmospheric conditions within the built environment. This requires changes to gardens in design as well as public realm (this relates to soft and hard landscaping).</p>  |
| 82 | <p>Do you agree with removal of this text from the footnote?</p>  |
|    | <p>It is supported that high value farmland should be adequately weighted and it is strengthened by the addition of footnote 67, although it is recognised</p>  |

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|   | that grading may be subjective and guidance to enable local authorities to be consistent would be useful.  |
| 83  | Are there other ways in which we can ensure that development supports and does not compromise food production?   |
|   | Suggest visioning where future supply and demand could come from based on low carbon and sustainable principles.<br><br>Potential to link into Local Nature Recovery Strategies that over time will get the balance right between protecting and enhancing nature and the need to provide for food production. Also, the development of National, regional, and local Land Use Frameworks that assess how balance can best be achieved in relation to the competing demands on land can be met.                                  |
| 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, however, any changes need to be careful not to prejudice mineral extraction through restrictions placed on abstraction which can have an adverse impact on the dewatering process necessary for mineral extraction.   |
| 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?   |
|   | New water infrastructure projects should consider opportunities to provide flood risk benefits where feasible.   |
| 86  | Do you have any other suggestions relating to the proposals in this chapter?   |
|   | No.  |
| <b>Chapter 10 – Changes to local plan intervention criteria</b> |  |
| 87  | Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?   |
|   | The County Council would support the replacement of the existing intervention policy criteria with the revised criteria set out in the consultation, this is considered to provide a logical and fair way forward if a risk of intervention arises. It is noted the proposed criteria would also apply to minerals and waste local plans prepared by upper tier authorities in two-tier areas.<br><br>It is understood threats of intervention in the past have not been followed through in many cases by actual interventions. |
| 88  | Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?  |
|   | Preference is for use of revised intervention policy criteria as the criteria provide a clear steer as to the factors that decisions on intervention should have regard to.  |

| <b>Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects</b> |   |
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| 89   | Do you agree with the proposal to increase householder application fees to meet cost recovery?  |
|  | No comment.   |
| 90   | If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387. If Yes, please explain in the text box what you consider an appropriate fee increase would be.  |
|  | No comment.   |
| 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? If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.  |
|  | <ul style="list-style-type: none"> <li>• Yes</li> <li>• No – it should be higher than £528</li> <li>• No – it should be lower than £528</li> <li>• no - there should be no fee increase</li> <li>• Don't know</li> </ul> <p>No comment.</p>   |
| 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.  |
|  | <p>Yes. The costs associated with dealing with some S73 applications for County Matters (Minerals and Waste) applications can frequently run into tens of thousands of pounds and yet the cost frequently does not even cover the advertising. The fees for these should at least cover costs.</p> <p>It is estimated that the average cost to an LPA of a planning officer's time is around £55 per hour. Simply undertaking a site visit and putting up site notices can take up a large proportion of a current Section 73 application fee. To add to this, the cost of placing an advert in the press is estimated to average between £150 to £200, and in some instances can exceed £400. As such, it is often the case that authorities have spent more than the income received through the current Section 73 fee before any consideration or assessment of the application has even taken place.</p> <p>When it does come to the consideration of an S73 application, it is recognised that in the vast majority of cases, a S73 application will not require as much work as the originating planning application where the principle of development is being established, but they still do demand a large amount of work. There are many examples of applications where there have been significant number of local resident objections, member</p> |



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|    | <p>involvement and the need to produce detailed committee reports, all of which results in significant officer time spent on an application.</p> <p>To provide an example, Leicestershire County Council recently dealt with a planning application seeking to vary conditions relating to operational hours and noise limits to allow operations and vehicle movements at a quarry from 6am. The application received 38 representations from the public, objections from two parish councils and a representation from an MP. Significant officer time was required to handle this application, including producing a 30-page committee report.</p> <p>Recognising the costs associated with administering an application and the work involved in its assessment, it is suggested that the fee for a S73 variation of condition should be proportional to the actual cost of determining the application. As all S73 applications are different, those most controversial applications Minerals and Waste Authorities deal with, such as new mineral extraction sites or energy from waste facilities, a reasonable approach would be to set a S73 fee at 50% of the cost of the original planning application.</p> |
| 93 | <p>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.</p>   |
|    | <p>Review of Old Minerals Permissions (ROMP) applications involve a huge amount of work and therefore fees should be higher.</p>   |
| 94 | <p>Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?<br/>Please give your reasons in the text box below.</p>  |
|    | <p>Yes. Whilst there are benefits in this, it is acknowledged that there would be some administrative work in establishing a local changing schedule. However, fee income does not meet the costs of running a development management service and hasn't done at Leicestershire County Council for a number of years. As such, it would be beneficial to be able to set own fees to recover costs.</p>   |
| 95 | <p>What would be your preferred model for localisation of planning fees? Please give your reasons</p>  |
|    | <ul style="list-style-type: none"> <li>• Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.</li> <li>• Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.</li> <li>• Neither</li> <li>• Don't Know</li> </ul> <p>Perhaps local variation is the best option as it allows local authorities to set fees whilst still requiring a nationally set default fee.</p>   |
| 96 | <p>Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?</p>  |

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|    | <p>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?</p>  |
|    | <p>Yes. The Planning Policy function for example needs funding as do all planning functions such as enforcement and wider supporting technical roles (e.g. landscape, heritage and ecology officers).</p> <p>All applications should come with a set fee (in line with questions above) but +20% to fund wider planning services, with those 20% fees ringfenced from MTFs (etc.) and make the income and expenditure of those additional fees reportable.</p>  |
| 97 | <p>What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?</p>  |
|    | <p>Theoretically, planning fees should be able to fund wider planning functions such as ecology; landscape; highways; historic environment; LLFA. This would be in addition to funding the Planning Policy function and other planning functions.</p> <p>Landscape, Arboriculture advice, ecology, heritage climate change adaptation and mitigation, net zero-carbon reduction.</p> <p>Consideration should be given to covering the cost of specialisms which support the Local Planning Authority in the determination of planning applications. Notably this should cover those specialisms which are statutory consultees including the Local Transport and Highway Authorities.</p> <p>Additionally, there are currently no fees for Local Plan making for Local Transport Authorities (LTAs). Transport and highway matters are often crucial to the development and delivery of Local Plans. At a time of very significant pressures on local authority budgets, there is a real concern that the Government's ambitions to have effective Local Plans in place will be fettered by LTAs failing to engage in their development, on the grounds of the work being 'discretionary' and unfunded.</p> |
| 98 | <p>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?</p>  |
|    | <p>Yes, see response to Q99 below.</p>  |
| 99 | <p>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.</p>  |
|    | <p>The County Planning Authority, in addition relevant services which include Local Highway Authority, Lead Local Flood Authority, and Legal Services.</p>  |

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| 100   | What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?  |
|   | No limitations, the actual cost needs to be recovered by local authorities.   |
| 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.  |
|   | <p>The impacts of full cost recovery are the ability to respond to applicants and consultations in a timely manner, the impacts of partial cost recovery will mean that given PINS (Planning Inspectorate) timescales are statutory other duties will slip.</p> <p>In relation to the Hinckley National Rail Freight Interchange DCO (Development Consent Order) the County Council incurred approximately £200,000 on core work (Highways Development Management, Legal, Archaeology and Ecology) from early 2018 to March 2024.</p>   |
| 102   | Do you have any other suggestions relating to the proposals in this chapter?  |
|   | No.   |
| <b>Chapter 12 – The future of planning policy and plan making</b> |   |
| 103   | Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?  |
|   | <p>It is agreed that there is a need for some sort of transitional arrangement to provide a period in which plans at the latter stages of production are not derailed, and that plans at an early stage do not undertake abortive work.</p> <p>It is unclear what the '200 dwellings per annum' figure is based on as part of the transitional arrangements, particularly when there has been criticism from the Government over the current Standard method and related 'arbitrary caps', including the urban uplift.</p> <p>It is unclear what exactly 'direct funding support' would consist of in order to help authorities progress their plans to examination quickly. This would not address the underlying lack of capacity in the sector and potentially add to a clamber for consultancy support.</p> <p>Local Authorities are currently in limbo with regards publication date of the revised NPPF and then only having 'one month' to ensure that that they are at an appropriate stage if they wished to progress under the existing version of the NPPF. Authorities may negatively rush through plans and evidence work, only to find that there are delays and/or changes to the NPPF as set out in this consultation. It is noted the December 2023 version of the NPPF was originally consulted on in December 2022 and was intended to be published in Spring 2023.</p> <p>As drafted the proposed revisions are not especially easy to follow and understand; they would benefit from the addition of a flow chart, including</p> |

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|   | clear dates. Such a chart should also capture the current Levelling Up and Regeneration Act Local Plan preparations, presuming that the Government has no intention of repealing that part of the Act.   |
| 104   | Do you agree with the proposed transitional arrangements?  |
|   | Yes, to an extent but also see response to Q103. "The intention to provide absolute clarity to local planning authorities preparing local plans" doesn't seem to have been achieved as the transitional arrangements and key dates for submission are unclear for those authorities who are in the situation where they have reached Reg.19 stage by the NPPF publication date + 1 month and <i>do not</i> have an emerging housing requirement that is more than 200 dpa below the new LHN. There is uncertainty with regards which authorities and under which scenarios an authority would look towards a submission date of December 2026, or NPPF publication date + 1 month, or NPPF publication date + 18 months. |
| 105   | Do you have any other suggestions relating to the proposals in this chapter?   |
|   | No.  |
| <b>Chapter 13 – Public Sector Equality Duty</b> |  |
| 106   | Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?  |
|   | No.  |