

Basingstoke and Deane Borough Council: Technical response to Consultation from MHCLG on Proposed Reforms to the National Planning Policy Framework and Other Changes to the Planning System.

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

The council strongly opposes the proposed Standard Method (SM) which will use a stock-based approach to derive a Local Housing Need figure, which is not evidence led. Further comments are provided under the relevant question.

The previous 'exceptional circumstances' were not clearly expressed and too narrow in scope to be meaningful. Clarification is required on the Government's intention in relation to exceptional circumstances. Government has stated that specific local constraints in land and delivery may justify establishing a lower housing requirement, but this is not clearly expressed in the draft NPPF, providing mixed messages to councils in this regard. Clarification is required to assist expedient plan making and improve understanding for communities regarding when such circumstances apply.

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?

No. We welcome any clarification within the NPPF on alternative approaches to the SM, particularly any which are evidence led and linked to need. However, as outlined above, the government states, in the consultation document, that the PPG will include circumstances where alternative approaches can be used. If this is the case, then it should also be referred to in the NPPF itself (including the glossary) to improve clarity. Any new wording in the PPG should be confirmed and published expediently to improve clarity for plan making as soon as possible.

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

Agree.

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

The removal of the paragraph increases clarity to a degree. However, it should be acknowledged in the NPPF that increased density is not suitable in all locations and impact on local character is a key consideration in place making terms. The complete removal of the link between density and character is not supported. The need for additional housing should neither be to the detriment of the existing built environment nor to the future quality of places.

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?

Agree. District wide coding offers little benefit for large and varied boroughs due to the diversity of areas involved and the resources required to carry out such work would not be value for money. A more focused approach is welcomed and allows design codes to be a more purposeful tool for creating good quality places in sustainable locations. An issue remains in resourcing such work, including appropriate levels of local engagement.

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

No. The introduction of more demanding targets and reinstating the requirement to demonstrate a 5-year supply at all times is not supported. The focus should not be solely on numbers of homes, at its heart the planning system is about creating places where people want to live, work and play.

It should not be the aim of Government to bring more authorities into the scope of the presumption in the short term (as stated in the consultation) as this clearly undermines the plan-led system which the government states it wants to support. The proposed changes to paragraph 11 itself are supported where they improve clarity on which policies the presumption applies to, but the proposed footnotes are not supported.

It is not agreed that the changes made to the NPPF in December 2023 were detrimental to housing supply. The introduction of the need to show four years of supply for areas where plan making had reached Regulation 18 with site allocations and a proposals map was a strong incentive for councils to progress with plan making and reach that stage. The removal of this incentive, coupled with the proposed transitional arrangements wholly undermine the positive work that councils such as Basingstoke and Deane have completed and leaves areas in a difficult position with no suitable transitional arrangements in place, effectively forcing areas to take a step back and redo work. This results in wasted resources and undermines confidence in the plan making system for local communities. In short, the loss of the four-year housing land supply threshold will result in unsuitable speculative development in our area for a number of years. With our regulation 18 Local Plan likely to have to be revisited to accommodate the higher number, it is vital that it is retained.

It is also imperative that Government looks to the development industry which is responsible for the delivery of new homes: Builders' incentives to pursue the strategy of maximising sales prices are reinforced by the way they compete to purchase developable land. Most land is bought under the residual valuation model, meaning that when housebuilders bid for land, they offer a price that is affordable based on their estimate of the value of the homes they can build on it. They offer the highest price to secure it and then build out at a rate that supports achieving high sales prices rather than reducing prices to increase the number of homes they can sell. In our borough we have seen delivery rates fall to around 40 homes a year on some

sites. We also have outstanding planning consents for approximately 7,500 homes that have yet to be built out. Without also introducing tools to make housebuilders increase these delivery rates, the proposed approach to ensure land is identified is not going to alter delivery rates. Also, it will be very challenging, if not impossible to demonstrate to a Planning Inspector that a plan which identifies sites to bring forward around 40% more homes per year than the current SM derived figure is realistically deliverable. This would represent an increase over the actual number of homes delivered by housebuilders over the last monitoring period of 50%. Already recognised issues with the availability of skilled staff and required building materials will only add to the challenge and, again, these are issues which individual councils have no control over or support in addressing.

Essentially penalising local authorities for the failure by developers to deliver new homes and further 'tilting the balance' to continue to grant planning permissions for sites which remain undeveloped will further undermine the plan led system the Government is keen to support – it is simply a charter for over-development. It leads to local communities feeling disenfranchised with the perception that development happens despite their views and contribution to the plan making process, which disincentivises engagement in planning and leads to reputational damage.

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?

No. The December changes introduced a key benefit from maintaining an up-to-date plan by removing the need to continually demonstrate a 5-year housing supply. There is no evidence in this borough that this change undermined supply; in our experience it provided a framework for councils to act positively to deliver under a plan-led system. Since the introduction of the change there has been no discernible difference in the rate of build out or number of homes completed together; there remain a significant number of unimplemented permissions for new homes in this borough. The removal of this protection is a backward step and will ultimately lead to wasted resources as councils are forced to continually defend planning appeals for sites that are often in less sustainable locations and brought forward speculatively because there is better prospect of achieving a consent when the tilted balance applies.

The 5-year housing supply approach is heavily weighted towards the development industry and the lack of action from Government on ensuring that developers act fairly, implement permissions in a timely manner and engage positively in the approach is disappointing. If the outcome is to retain this approach, Government should require applicants for new residential development to identify the build out rate in the planning application and be bound to meet that rate of delivery through the planning consent. The 'use it or lose it' proposal should be re-visited, perhaps to pass land with permission to another willing housebuilder at a discounted rate if development has not been brought forward as set out in the planning application.

Alternatively, we would suggest that a financial incentive – such as a Council Tax levy on all new homes that are not built after a certain period post consent – be applied to developers to encourage higher delivery.

As stated above, the introduction of the four-year housing land supply threshold for plans at Regulation 18 stage was a strong incentive for councils to progress with plan making. Its removal undermines the positive progress made in response to this and plunges many councils immediately back into the position of planning by appeal with no transitional arrangements to enable positive action to be taken to address the position.

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

No. Past oversupply should be recognised and credited when calculating future supply. Past strong delivery should be celebrated and communities rewarded as such rather than be subject to a stock based methodology which means the more you deliver the more you will then be required to deliver. The need for additional housing should not be at the expense of recognising areas that have taken positive action in the past and the proposed approach is considered to be unjust. It also does little to encourage areas to take a positive approach in the future if there is no recognition of previous positive action.

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?

The rationale behind the addition of a 5% buffer is sound as it does provide a level of additional flexibility given the inability of the council to influence when developers chose to develop out sites or at what rate. However, with the proposed new housing numbers being so high the additional 5% makes targets increasingly unrealistic and undeliverable. It is considered that fault lies more with the SM however. Again, steps need to be taken to ensure that the development industry positively engages in the 5 year supply approach, for example providing realistic phasing information through the development management process and then being required to keep to that timeline through a condition or planning obligation once permission has been granted.

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

5% is considered to be sufficient.

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

Yes, these were rarely used and a blunt tool.

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 mechanisms need to be in place for cross-boundary planning. Large scale issues, such as the provision of strategic infrastructure and economic growth, should be considered at a strategic scale. However, any new approach must be effective, with strategic planning focusing on cross - boundary issues, such as infrastructure provision, rather than becoming involved at the local level and adding additional bureaucracy to the current system or imposing additional and unnecessary restrictions. There is some concern that the requirement for SDSs will result in a layer of generic strategies which protract planning decisions further. They should be focused on specific issues and be formed across suitable and existing geographies, preferably at a regional scale given the nature of relevant issues and overlaid by a national plan for England, similar to the ones which exist for Scotland and Wales.

Paragraph 27 would benefit from increased clarity. For example, in line with P27c, how would an authority manage an allocation within a neighbouring area?

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

An appropriate process for the adoption of plans should be put in place with bespoke tests introduced, if required. The focus must be on avoiding bureaucracy and delay, requiring only sufficient evidence to support the plan making process to support councils in getting plans in place.

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

No.

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

No, this approach takes little if any account of future population growth and local housing need but, instead, simply uplifts growth in existing built-up areas. Demographic data is relevant as one layer of housing forecasting. As such it takes no account of demand or need factors and is purely arbitrary in nature. The SM results in unrealistic housing targets which are too high and unrelated to predicted growth levels. It should be noted that the SM does not currently rely on the latest household projections, the 2014 projections are still engaged which are now 10 years old and out of date. The Government should not be relying on out of date information when more recent information is available.

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, the use of a three-year average is less subject to variation than the existing standard method that only uses the latest data. However, the most recent data is revised a year after it is released and so the resulting calculation is still subject to change retrospectively.

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

No, affordability has been given too heavy a weighting, resulting in excessive housing targets which are unachievable for many areas, particularly under current arrangements. In a broader sense the Council does not agree with the use of an affordability uplift in principle as housing need targets should be based around local need rather than affordability. See response to question 19.

In addition, it is worth stressing that we see only a limited link in practice between the delivery of new homes and house price affordability. In a market with significant structural challenges, increasing planning consents rarely leads directly to lower house prices. Basing the SM on this flawed assumption means that it will do little to tackle the issue of affordability; that can be more effectively achieved through more ambitious targets on affordable home delivery.

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?

Data on rental affordability is not as robust and easily available as it is for house prices, therefore it may be difficult to introduce this evidence consistently across all local authorities. The ability to afford private rent is a factor in understanding affordability and would be a relevant addition to the standard method calculation if data availability was addressed. That said, it may lead to an unnecessary level of detail.

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

Whilst the general aim of increasing housing delivery to meet needs is supported, the proposed approach is not. The approach is wholly artificial in nature and leads to excessive housing need targets which cannot be justified and have not been explained. The uplift in many areas is simply unachievable with higher targets than many areas have ever accommodated, meaning they are unrealistic and not deliverable. This is the case in Basingstoke and Deane where the proposed housing targets have not been achieved in a consistent manner since the 1960s when it was a London overspill town.

There is a deep concern that the proposed housing targets are undeliverable, both in the short term and on an on-going basis for a raft of reasons. When the increases

required are this significant, the reality is that areas such as Basingstoke and Deane will be even more dependent on developers and landowners. The ability or willingness of the development industry to deliver the number of homes required is questioned as it is not in their interest to overdeliver in light of market forces. Already we are seeing a notable decrease in the number of applications on more difficult and less viable brownfield sites in built up areas, whilst speculative applications on more profitable rural greenfield sites beyond settlement boundaries are increasing with developers arguing down land supply positions at appeal to gain permission despite such sites being contrary to the development plan. A more effective solution would be to introduce measures that discourage or prevent developers from sitting on land rather than simply increasing the number of outstanding planning consents, of which we already have many.

The environmental and climate change related impacts have failed to be properly considered and the approach is far from balanced. How, for example, do the proposals sit with the broader aims set out in the Environment Act? In addition, how will the required infrastructure for such high growth be delivered in a timely way. The ability of both strategic and local infrastructure to support the delivery of current housing targets is already in question, with partners, including utility providers, highlighting significant issues.

The timing of the introduction of the changes also totally undermines the Plan-led system, leaving councils in an impossible position to respond to the required levels of growth in a positive way and secure a healthy land supply position. The changes will effectively lead to a planning by appeal approach to growth nationwide and the Government's stated aim of a universal plan led system will be simply unachievable over the shorter term. It will, despite the proposed wording in the tilted balance, lead to lesser quality development which will further the agenda of those opposing development.

This, in turn, will lead to strong dissatisfaction from local communities and politicians; further undermining the important role that councils and their planning teams play in place shaping to deliver positive outcomes for the communities they serve. The damage caused is reputational, impacting on the recruitment and retention of staff across the piece.

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

The brownfield first approach is well established and supported and this is reflected in plans across the country. However, the proposed change potentially goes further than is required as not all brownfield sites are acceptable in principle due to other reasons. For example, a brownfield site may lie in a highly isolated location or be required for alternative uses which are less lucrative than residential. The change is therefore not considered necessary.

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?

No specific comment as there is no green belt within the borough. Questions relating to the green belt have generally not been responded to.

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?

Although not linked to glasshouses, it is considered that the definition of PDL could be revised so it includes gardens in built-up areas. There is not a clear logic for this being excluded when gardens outside built-up areas are PDL.

Questions 23-27 and 28- 46 inclusive relate to proposals around Grey Belt/Green Belt for which no response will be provided as it is not relevant to the borough. The questions are omitted therefore from this document.

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?

Local Nature Recovery Strategies should be referred to in national policy to ensure that the NPPF covers the consideration of them appropriately in line with other spatial strategies.

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, as this supports the objectives of Government and also our own local objective of boosting the delivery of social rented properties.

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

Yes, the tenure mix of affordable housing should be informed by local needs, as identified through the council's Housing Market Assessment.

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

Yes, the need for First Homes should be considered alongside all other tenures of affordable housing, and provision should be based upon local needs.

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

The council supports the retention of the option to provide First Homes. However, flexibility should be included in the definition of First Homes to allow changes to the maximum price of First Homes (after discount) as there are concerns that, in affluent areas like Basingstoke and Deane, the current maximum price limits the size and type of dwellings that can be made available. The cross-reference to the 2021 Written Ministerial Statement in the glossary does not provide flexibility for such a change to be made either now or in the future.

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

Yes, this is supported in principle. However, this should not prevent affordable housing only schemes coming forward in suitable circumstances.

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

The Government should do more to support the delivery of new affordable housing, for example, through the provision of suitable funding and particularly a programme for funding social housing which is the only way that delivery could be scaled up during this Government. Increasingly developers who will deliver affordable homes through Section 106 are finding that no RPs are interested in acquiring those homes because there is an absence of funding available, generally due to other burdens on RPs arising from other legislative requirements. This is a particular problem on smaller sites and in rural areas. Developers are therefore seeking clauses to enable flexibility if an RP is not found to flip these homes to different tenures.

In practical terms, one way to promote a high percentage of Social Rent/affordable housing would be to offer flexibility with grant funding to encourage RPs to take on less desirable sites.

In terms of plan making, national guidance should provide a suitable framework for setting relevant requirements for affordable housing provision in policy much in the same way currently proposed for land in the Green Belt. We strongly support measures that increase the volume of affordable housing: either the percentage of affordable homes to be delivered should be fixed (as proposed in the revisions to green belt/grey belt so land values adjust accordingly) or if the ability to claim a reduction in affordable homes due to scheme viability remains, developers should be required to demonstrate their viability calculations based on the true financial reality of affordable housebuilding, rather than an artificial construct. National planning guidance on assessing viability for plan making should be updated so that the actual reality of affordable housing delivery can be reflected. The availability of housing grant should, for example, be factored into relevant viability assessments where appropriate.

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 necessary to provide a maximum site size. An informed decision should be made at the time, based on individual site specifics.

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

The amount of affordable housing in rural areas could be increased by changing NPPF para 65 and allowing local planning authorities to set a lower site size threshold for requiring affordable housing, where it can be shown to be viable. Sites that come forward in rural areas are typically smaller than 10 dwellings, and therefore not major development.

The council has also encountered problems finding Registered Providers to manage properties in locations that are more difficult to manage (typically in rural areas), and financial incentives could assist with this. Neighbourhood Plans could also be incentivised to allocate rural exception sites for affordable housing.

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

Yes, particularly the inclusion of social rent.

Question 56: Do you agree with these changes?

No comment

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

The definition should make it clear that affordable rent, including any service charges where relevant, should not be more than local housing allowance.

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 tend to be located within built up areas where the policy framework is already in place to support the principle of development (unless the site is in an alternative use or development would be contrary to other policies such as loss of open space). They can be delivered quickly and via existing mechanisms such as Pip. The identification and allocation of such sites is resource intensive and often considered unnecessary in light of the above, with Local Plans focusing on more meaningful sites which need a planning steer to be unlocked. Also, the existence of small sites varies considerably between places and in many areas, including

Basingstoke and Deane, there are very limited small site opportunities given the nature of the place (as a planned London overspill town).

As such, we strongly disagree with strengthening the policy further or making it mandatory. The focus on identifying a mix of site sizes is already clear but the different nature of places and the practicalities of allocating small sites must be recognised. 10% will not be achievable in many cases and further strengthening could undermine and derail otherwise sound plans, again undermining the plan led system. Plans should be proportionate and reflect the local position. Including (and defining) medium size sites within this part of the NPPF would be helpful to increase clarity and recognise their equal importance to SMEs.

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?

Agree as the term was overused in the NPPF. Other references to beauty remain. The shift in focus regarding design codes is welcomed, as is the continued recognition of the importance of beauty and well-designed places. However, the proposed revisions bring focus to housing numbers when the focus should be on delivery of well designed places and the funding of the infrastructure to support them.

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

Agree with changes as the previous version put undue emphasis on mansard roofs.

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?

The inclusion of the additional uses is supported in principle although the current wording is open ended and general in nature, only relating to a need to meet the needs of a modern economy. Many of the uses are more suitably considered at a regional scale and should be an area of focus for proposed SDSs. The proposed wording is likely to make it difficult for councils to reject inappropriate sites given the broad nature of the additions.

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

No comment

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

Yes. Government support is also needed to ensure that such development is built to high environmental standards, supporting clean energy provision and enabling local net zero targets to be met. Such development should also be supported through the provision of suitable infrastructure which is often required at a cross boundary scale.

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?

No comment

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

No comment

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

Yes. The recognition of the importance of delivering community services and facilities as essential to good place making is commended and the proposed wording is therefore supported.

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

Yes. The additional wording recognises the scope of required education facilities.

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

The move to a vision approach for sustainable transport modes is supported, as are relevant changes to P114, although updated guidance would be required to support this change, including on the undertaking of Transport Assessments, to provide a consistent approach,

However, the change to P115 is considered be excessive, preventing only schemes which cause severe impacts in all tested scenarios. This sets the bar too high and risks the acceptance of schemes which will result in unsustainable outcomes for local communities. The change could encourage the development industry to adjust their modelling approaches to find a scenario that suits a proposal, which would then be difficult and time consuming for the highway authorities to validate and challenge. This process would also be very difficult for other stakeholders, including the public, to follow and challenge, with a resulting lack of transparency. Again, whilst the need

for more homes is accepted, it should not be at the expense of other important planning matters.

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

Health infrastructure is a key requirement of good place-making. Planning also has a role in creating fairer places, for example, areas of green space make a significant difference to mental health and allow social prescribing. The planning system must also deliver a mix of homes including for specialist accommodation including for the disabled. In order to promote healthy communities there needs to be meaningful community engagement in the planning system.

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

No comment

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

This is a matter of scale and the benefits of the largest schemes being reintegrated into the NSIP regime are recognised. However, local planning tools including Local Plans and LDOs have an important role in identify suitable areas for wind projects and this should remain and be given due consideration.

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

Yes in general although the changes in P164 go too far in requiring LPAs to support planning applications for all forms of renewable and low carbon development. For numerous reasons, varying from landscape impact to the loss of habitat, some schemes will not be suitable and therefore the latter proposed change to P164a relating to significant weight to a proposal's contribution to renewable energy generation etc is considered more suitable.

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?

Yes and these habitats could be recognised in the NPPF

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?

The Government should withdraw the Written Ministerial Statement of 13 December 2023 to allow local authorities to set their own policies to require highly energy efficient new buildings. The NPPF should explicitly support local authorities setting targets for energy-based metrics in policy to achieve net zero operational buildings where viable in their areas. The Future Homes Standard does not go far enough quickly enough.

The NPPF should also provide stronger support for other climate adaptation and resilience measures, for example relating to heat stress and water scarcity. For example, the PPG's approach to water efficiency standards should be updated to allow councils to set requirements that respond to their local circumstances.

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?

A key role of the planning system is to reduce the carbon impact of development. At the moment, the sustainability appraisal process assesses the carbon impact of policies and development strategies without specifically quantifying the amount that would be generated. The current system therefore already allows the most sustainable development options to be identified, but it is considered that if carbon impacts were quantified, this could better inform suitable mitigation measures.

In relation to planning applications, it is considered that tools to measure the operational energy use of new development are well understood, and policies in relation to this could be easily implemented. However, there is currently less understanding around whole life carbon, how it should be calculated, and the extent to which it should be mitigated, and improved technology could help to address this.

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

Greater clarification on the sequential approach and how it should be used in plan making and across larger geographies (e.g. borough wide), would improve effectiveness. More specifically, guidance would be welcomed on how areas with

housing targets rather than specific site allocations (e.g. neighbourhood planning areas) should be assessed through the sequential test, and in a pragmatic way.

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

The NPPF should support councils in setting ambitious policies to reduce carbon emissions and adapt to climate change (subject to them being demonstrated as viable) as this is the greatest challenge we face.

Given the proposed uplift in housebuilding proposed it is both clear and incredibly disappointing that delivery of net zero is not a key ambition of this Government. It would be preferable if the performance of new buildings was addressed at a national level through enhanced Building Regulations, however the council does not consider that the Future Homes Standard is ambitious enough. This would ensure that this aspect of sustainable development could not be negotiated away as part of the planning application process.

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

Agreed as the December 2023 wording was confusing in terms of how LPAs were to assess and weigh the availability of agricultural land when making planning decisions. It is requested that the implications of the removal of the wording are considered with Natural England which is currently requesting that evolving Local Plans include policies on this matter but with little guidance on how any such policy could be applied. National policy is already explicit about agricultural land being a consideration in determining if sites are suitable for development and additional local plan policies on this matter are not required.

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

It is important that Government explicitly recognises that additional agricultural land will be lost as a result of increased house building. Only then will the position be transparent for communities and stakeholders.

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?

Agree that provisions should be improved to reflect the current position. The Planning Act needs to be strong enough to ensure that water supply resilience is supported and delivered in a timely manner, with the relevant responsibilities of different legislative regimes, including planning, clearly reflected. Current planning guidance on this matter could be tightened to enable council's to address the issue of water quality with confidence.

Water quality of our existing waterways should be protected and improved as a matter of urgency. As such, there needs to be greater incentives for water

companies to deliver on the necessary infrastructure - they should not be able to say 'yes' and then not deliver. There also needs to be more frequent monitoring of water quality to allow for better data. A well-funded Environment Agency is required to support the delivery of required actions by all parties.

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?

Clarity on this Government's approach to achieve nutrient neutrality (including for both nitrates and phosphates) is needed as soon as possible to inform future decisions and approaches as this is fundamental to plan-making and decisions in many areas including Basingstoke and Deane. Natural England should reflect the Government's approach in the advice it provides.

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

No comment

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

The criteria should recognise the variety of circumstances that LPAs face and not be used as a 'stick' to enforce a one size fits all approach. The NPPF would be more effective if it recognised positive action, for example, by reintroducing the 4-year protection for progressing Local Plans. The emphasis on meeting regional and national needs is perhaps misplaced and could open LPAs up to challenge from stakeholders with wider interests. More details on the stage at which the Secretary of State would intervene would be useful although, again, individual circumstances must be recognised.

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

The final approach needs to be clear to LPAs and fair in its execution.

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

Generally supportive of the principle of cost recovery for processing planning applications. This should not focus on a single fee type, particularly where that increase is likely to be significantly greater in percentage terms than fees for other application types. Increasing fees to the levels set out in the consultation document could also have the unintended consequence of discouraging residents from submitting applications for works that require planning permission, thereby moving some of the workload onto compliance and enforcement teams in dealing with complaints (where there is no fee for work undertaken). On a similar point some

residents who have breached planning controls may choose not to regularise their developments due to the significant increase in householder application fee proposed. This would further undermine the plan led system.

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.

50% increase would assist in the approach to cost recovery.

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

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

Yes.

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.

All applications – simply because the fee levied does not cover the true cost of processing applications. There might be ways to reduce costs, for example, no longer requiring by law that schemes be advertised through a local newspaper. As more and more is placed into the planning system to consider – fire safety for example, nutrient neutrality, biodiversity net gain – the greater the burden to authorities for considering applications, the cost of so doing increases.

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.

Yes. Applications for consents (other than ‘reserved matter’ approvals) required by a condition imposed on an outline permission should be charged at the same rate as a discharge of condition application.

Applications to demolish an unlisted building in a conservation area (these are exempt under regulation 5A of the 2012 Fees Regulations as amended), a fee should be charged to cover the cost of processing the application.

Applications for certificates of immunity from listing, under section 6 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a fee should be charged to cover the processing of the application.

Cross boundary applications: as each authority must achieve a determination on the submitted application it is not right that the authority with most of the site area receives all the fee.

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.

In principle an applicant should cover the cost of processing and determining an application through the fee charged otherwise this cost must be met through council tax or other revenue funding. The trials previously run regarding local fee setting exposed a range of outcomes for fees, based on how each council operates its costs and matters such as recharges between business units. This could lead to significantly different fees across administrative boundaries – which already happens in building control - and would add further administrative burden on planning services to review and resolve each year. It is also likely to lead to more complaints regarding fee setting when significant differentials between administrative areas in proximity are apparent. Further it could result in permissions for smaller scale development simply not being sought and development being carried out in breach of planning control. The one size fits all approach currently is not ideal, perhaps the Planning Advisory Service could support alternative suggestions to be considered further.

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

Neither

Please give your reasons in the text box below.

In principle the Council supports the proposition that the fee paid should recompense the cost of processing the planning application. As set out above, the setting of localised fees is likely to create more burden on planning services and take resource away from the core functions that the increase in fees being considered is trying to resource.

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

As set out above this would be difficult to manage as councils do operate differently and there are often end of the year recharges between 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?

N/A

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?

Councils can already utilise Planning Performance Agreements to cover pre-application advice which engages more widely with consultees across the council and this PPA can carry forward for other elements of the planning process.

There is currently no fee for lodging a planning appeal: this should be revised. The Rosewell Review recommendation 6 was that “*The Ministry of Housing, Communities and Local Government (MHCLG) should consult on the merits of appellants contributing towards the accommodation costs of the inquiry.*” This consultation should be progressed and extended to include appellants contributing to the Council costs of publicising an appeal.

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

Yes. The level of work required for development consent orders is significant. At present the benefits of, in relevant circumstances, simplifying the planning process for applicants is at the cost to the local authority. As a consequence, the promotion of this route as an option by local authorities is likely to be impacted.

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.

The fee arrangement should cover all aspects of the development consent order, through from consultation to assessment and decision making. This needs to cover all administration, consultation with statutory and non-statutory consultees and the time of the planning service input. If requiring Member decision making the fee should also cover the democratic services resource implications.

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

N/A

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.

N/A

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

No.

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

Strong no. The consultation has led to a great deal of confusion and wasted resources for LPAs. Clarity is needed, and the meaning of some paragraphs, such as Paragraph 228, needs to be improved. The introduction of the 200 home cut off point is arbitrary, not evidence led, unsound and unjustified, and – if this must remain - an alternative approach, for example a percentage increase, is advocated.

The Government states that its objective is to drive local plans to adoption as quickly as possible. It has re-affirmed its commitment to supporting LPAs to respond to changes and get plans in place. However, the proposed arrangements directly undermine this aim and will delay progressing plans. This council and its local communities have been working hard to get an updated Local Plan in place, undertaking a Regulation 18 consultation on a draft plan with site allocations and policies map earlier this year. The council very much wants to continue to progress this Plan but this has been severely undermined by the consultation as drafted. If the transitional arrangements, which are very limited in scope and only apply to Regulation 19 Plans, are as the consultation this will undo all our hard work over the past few years and will leave the borough open to unwanted speculative development in the area.

Plans which include site allocations and a policies map and have advanced to Regulation 18 should be recognised and the transitional arrangements revised to enable them to continue expediently. Changes should also be included to introduce a transition period to enable councils to complete plans on current LHN figures (not just those who have already submitted) before moving to a new SM and an increased figure. This will enable areas to properly plan for a step change in numbers having regard to placemaking and the infrastructure needed and maintain a plan-led approach across the country. As proposed, the plan led system is being dismantled in the short term in favour of planning by appeal when Councils can ill afford to be placed in that position by Government. This is an approach that cannot be justified, fails to engage with local communities and is directly against the Government's stated objectives.

At the very least a transition period is needed in relation to 5-year land supply as it is impossible for LPAs to demonstrate such a supply or react to increases of any scale immediately, as is currently being proposed. As the Government is aware, the development process takes time, and the planning process should not be simply dismantled to enable unmanaged and unsustainable development to be the approach to increasing housing delivery.

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

The extension to the cut-off date for progressing Plans under the current system is supported in principle. If the currently proposed scale of change in housing numbers remains, this will lead to many areas having to relook at their spatial strategies and, in turn, having to redo much of a Plan's evidence base (including a Housing Needs Assessment, Economic Needs Assessment, Water Cycle Study, Integrated Impact Assessment, Site Assessment Process (and associated studies) and Transport Assessment) and also Regulation 18 consultations. As such, the December 2026 cut-off is too soon and should be reconsidered. It is likely to dissuade councils from trying to progress under the current system due to the risk of not meeting the deadline and therefore having to start again. The NPPF should be more supportive of council's taking proactive action rather than introducing barriers and risk. The 18 months for Plans at Regulation 19 stage is also too short. It is also questioned why there are two different cut off points - 18 months and December 2026 – this is confusing.

The ability of statutory bodies, infrastructure providers and technical consultants to support this timescale for so many plans is also strongly questioned as the availability of such support is already a concern.

Also, how will areas that have to redo previously completed statutory stages of plan making (and the accompanying evidence base) be recompensated for abortive work? This requirement applies just as much to Regulation 18 Plans and therefore it is strongly requested that councils at Regulation 18 also receive funding from Government in light of the proposed changes. This would be in the region of £300k for Basingstoke and Deane BC to redo relevant parts of the full Draft Plan and evidence at this stage. The resource implications of the transitional arrangements set out in the consultation are significant, have not been considered and must be addressed.

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

Whilst much of what is proposed in this section has merit, real progress needs to be made in areas such as digitisation. The PropTech funding which has been made available for innovative ideas and solutions to streamline elements of plan making using digital tools need to be made available open source so that all LPAs can benefit from them as soon as possible. Much is often promised, and intentions set out, but this is still not affecting the day-to-day workings of LPAs and tangible support is required with new systems agreed and made available. Where local authorities are at the mercy of private companies to provide software systems it simply adds a further resource burden and creates delays which are unnecessary.

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

No comment