

NPPF CONSULTATION SEPTEMBER 2024

RESPONSE FROM THE RURAL SERVICES NETWORK

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

NO

We do not support the whole premise of the proposed new approach that is based on housing stock. It bakes in existing housing stock as the basis and doesn't reflect what is actually needed in future, which the population and household projections would do in the current approach. Obviously the 2014 basis was well out of date.

The whole housing stock basis is just plain wrong for working out what is in future needed. It also penalises authorities that have delivered huge amounts of housing in recent years and assumes that more is needed as well.

There is a real risk that the proposals potentially have negative effects on urban areas where effectively the proposals push people out of those areas into rural locations because that is where the housing stock will be in significant proportions. It creates a pattern that is really directing developments to rural areas - where the infrastructure isn't available - and drawing people out of urban areas where the infrastructure is available - because the proposals create lower levels of housing ambition in those urban areas.

This is compounded by the real concerns that the market in rural areas would not be able to deliver the level of development. When combined with the wider changes in terms of the five- year supply, and particularly the retention of the housing delivery test, there becomes a real risk that authorities will very quickly be in a situation where the presumption in favour of sustainable development appeals kick-in and that potentially results in undermining the plan led approach to development.

It is helpful to have clarity on the housing requirement for an area. However, this can only be the case where the standard methodology is constructed in such a way that recognises the very real limitations that an area may have in delivering housing. Whilst it's recognised that housing need is high in many areas and therefore a step change is required, growth beyond that supported by the development industry (i.e. ability to source materials and labour to construct) cannot be achieved without multiple factors being addressed. Therefore, it will be extremely challenging (if not impossible) to meet the numbers identified if the capacity to actually construct (rather than to consent) those homes does not exist. There should be an additional factor around the actual ability to deliver homes at the rate required that can provide a transitional approach to bringing the market up to speed. This may need a stepped requirement or recognition of a lesser number of completions being required over the next few years.

It is also felt strongly that there should be more emphasis added to paragraph 60 where it states, "that land with permission is developed without unnecessary delay" with more onus being put on developers to deliver sites quickly. Once Local Planning Authorities (LPA's) have allocated land and issued planning permissions, national policy should introduce measures to ensure delivery from developers/housebuilders in a timely manner.

It is essential that there is genuine ability for authorities to be able to justify a lower housing requirement than the figure the method sets, based on local constraints on land and delivery, such as existing National Park, protected habitats and flood risk areas, but would (as now) must evidence and justify their approach through local plan consultation and examination National Landscapes (formerly AONB's) should also be listed as posing a relevant constraint on development.

The Consultation states "All local planning authorities will need to demonstrate they have taken all possible steps, including optimising density, sharing need with neighbouring authorities, and reviewing Green Belt boundaries, before a lower housing requirement will be considered". Whilst rural LPAs will need to consider these steps, the impact will be limited by the fact that neighbouring LAs will be facing similarly high housing numbers and looking to their neighbours to accommodate their growth; increasing densities will not result in well-designed rural communities and will put further pressure on already inadequate infrastructure in many rural communities.

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 agree that the government should provide LPAs with a housing requirement number, but this must be realistic and deliverable. The proposed stock-based approach fails to do this. A more appropriate approach would be for government to provide LPAs with a range derived from stock -based methodology and 2018 household projection methodology. LPAs would then adopt a housing number requirement that was appropriate to their housing markets and hence be deliverable.

Instead of removing reference to exceptional circumstances, such circumstances should be explicitly detailed within an associated footnote. These circumstances should include areas impacted by National Parks and National Landscapes

Although the 'Proposed reforms...' document acknowledges there are some circumstances in which LPAs have to use an alternative approach due to the data in the method not being available, this should be outlined in the NPPF and not left to the PPG. Similarly, to aid the plan-making and decision-making process., any associated guidance should clearly set out what any alternative method would entail. The lack of data at a LPA level, as well as not having a clear alternative will

delay those particular LPAs when producing local plans. Without guidance, relevant LPAs need to spend significant resource on evidence to support an alternative and it also creates unnecessary debate during the Examination process, further delaying the adoption of an up-to-date local plan.

A position where planning by appeal becomes prevalent because of changes being introduced in the NPPF must be avoided at all costs.

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

NO

We strongly support the underlying principle of focussing development in cities and large urban areas first. The removal of the uplift should not result in such places reducing their planned supply. The NPPF should be clear that cities and large urban areas should meet, and wherever possible, exceed their own need, where this is consistent with the overall approach of the NPPF.

There is a significant problem with the new standard methodology which results in a significant imbalance of where growth should occur, which will have negative impacts for urban and rural areas.

Our analysis of the proposals as set out in the “Outcome of the Proposed Revised Method” which accompanied the Consultation, shows the following distribution based on the standard urban and rural classifications:

- For Urban with Major Conurbation local authority areas as a whole there was a reduction of 5.4%, a decrease of 7,961 houses (current 146,987, proposed 139,026), which as a decrease per 1,000 total dwelling stock is 0.9 houses per 1,000
- For Urban with Minor Conurbation local authority areas as a whole the increase is 24.6%, an increase of 2,053 houses (current 8,353, proposed 10,406), which as an increase per 1,000 total dwelling stock is 2.1 houses per 1,000
- For Urban with City and Town local authority areas as a whole the increase is 30.3%, an increase of 20,174 houses (current 66,487, proposed 86,661), which as an increase per 1,000 total dwelling stock is 3.1 houses per 1,000
- For Urban with Significant Rural (rural including hub towns 26-49%) local authority areas as a whole the increase is 50.7%, an increase of 16,836 houses (current 33,206, proposed 50,041), which as an increase per 1,000 total dwelling stock is 5.0 houses per 1,000
- For Mainly Rural (rural including hub towns >=80%) local authority areas as a whole the increase is 67.7%, an increase of 11,521 houses (current 17,025, proposed 28,546), which as an increase per 1,000 total dwelling stock is 6.3 houses per 1,000
- For Largely Rural (rural including hub towns 50-79%) local authority areas as a whole the increase is 71.4%, an increase of 23,694 houses (current 33,166, proposed 56,860), which as an increase per 1,000 total dwelling stock is 5.9 houses per 1,000

It can be seen from the above that despite the NPPF Consultation stating that “the government supports the principle of directing housing growth to our larger urban

areas and that the proposals will maximise delivery in urban areas, the proposals mean:

- In Predominantly Rural Areas overall – an increase of 70.2% (32,215 additional houses, or 6% per 1000 of the dwelling stock.
- In Predominantly Urban Areas - an increase of 6.4% (14,267 additional houses, or 0.9% per 1000 of the dwelling stock

As shown above the proposed changes to the standard method results in a significant increase across rural areas. This is entirely counter intuitive. In essence it is imposing the exportation of unmet housing need from larger urban centres and circumventing the duty to cooperate.

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

NO

Existing paragraph 130 provides safeguards that ensure LPAs can take local character into account in planning policies and decisions to accommodate new housing growth. This is essential for rural towns and larger rural communities where increasing densities would result in development wholly out of character with the existing area, within and outside nationally protected landscape areas. This could result in a real risk of damage to rural economies through inappropriate developments impacting negatively on an area's tourism offer. It would also undermine the ability to achieve the NPPF's requirements for well-designed places. as set out in Section 12 of the NPPF, in rural areas.

A design toolkit focused on aesthetics will not overcome the design flaws in poorly located development. If the government is serious about the quality of the built environment it needs to support local authorities in their efforts to make sure development is of the right type and tenure to meet local housing need and is in the right place and at the right time. Residential development needs to be complemented by delivery of infrastructure and employment opportunities.

Paragraph 130 should be revised rather than deleted, to emphasise that residential densities should not be significantly uplifted where this would undermine the principles of good design set out in the National Design Guide and National Model Design Code.

Many of the existing urban areas within rural authority areas are historic in character, and often within a conservation area. In this context it is considered minimum density standards are too blunt a tool and should not be a requirement.

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?

A QUALIFIED YES

The preparation of more detailed design codes and masterplans for multiple locations for growth, particularly in larger authorities and unitary areas will be time consuming and resource intensive. Design Coding needs to be properly resourced, focussed and supported nationally. Coding and master planning are skills that are generally in short supply and have been largely lost due to deskilling and contraction of planning departments.

Subject to the comment above, the concept of localised design codes etc. should be applied to all local plans and not limited to “areas that provide the greatest opportunity for change, such as greater density.”

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

NO

Experience to date of developments in rural communities allowed under PFSD is that they are out of scale with the host community, fail to provide the type of housing or affordable housing that would meet the needs of the local community. Too often they have resulted in pressure on local infrastructure that has disadvantaged existing residents and those moving into the new homes. These impacts have also increased community opposition to new development that would address local housing needs, including through small scale rural exception sites.

For these reasons, the opportunity to turn down a development that does not meet the NPPF’s policies for the location and design of development and for securing affordable housing are helpful.

Although it is the ambition of the Government to boost housing supply, it is considered that simply introducing an uplift in housing need of the order proposed for rural areas and applying the titled balance could undermine existing allocations in sustainable areas in favour of other sites (in particular greenfield rather than brownfield sites).

But the credibility of these safeguards and ability to apply them and promote sustainable development in rural communities is undermined by other aspects of the NPPF.

Firstly, the new standard methodology has resulted in housing numbers well in excess of what is realistic or deliverable, including in those rural LAs that have previously gone for growth. They will struggle to provide a 5-year housing land supply (5YHLS) or meet their Housing Delivery Targets and the PFSD will be triggered. In effect the new standard housing methodology will undermine the plan- led system in rural areas.

Secondly, as currently drafted the NPPF too often takes an urban centric view of what is sustainable development and fails to consider how some of its policies will

undermine the ability of LPAs to adopt the required mutually supportive approach to promoting sustainable development in a rural context. It is likely this will be exacerbated by the push to focus growth on New Towns and major urban areas, without also including policies that support appropriately scaled growth and delivery of affordable housing in rural communities. This could be addressed by including policies in the NPPF that more actively encourage LPAs to positively and proactively support development that meets these needs in rural communities.

Thirdly, the bar for rejecting applications under PFSD in National Landscapes is significantly lower than that for other areas. Yet the same requirements to have a 5YHLS and up to date Local Plan should apply in these areas. National Park Authorities often straddle a number of local authorities, and the geographic scale of the data makes it difficult to apportion local authority housing requirement figures to them. In consequence it is difficult for them to plan to meet the footnoted reference to the 2010 National Parks and Broads Circular. It recognises that the Parks are not suitable locations for unrestricted housing but states an expectation that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services.

These could include:

- Requiring that the Environmental Outcome Reports (which under the LURA replace Strategic Environmental Assessments) include social and economic outcomes to be considered as part of the mitigation process.
- Strengthening the requirements placed on local planning authorities to promote and proactively pursue policies to support the delivery of sustainable development in rural communities. In addition to changes to the Rural Housing Section of the NPPF – see our response to Q54 – the NPPF should also be checked to ensure that there are no unintended consequences in its policies that would undermine delivery of sustainable development in rural areas.

Government produces data on permanent dwelling stock and affordability ratios for each of the National Parks and Broads Authority, so they have an evidence base on which to plan for housing delivery that meets their affordable housing requirements, supports local employment opportunities and key services.

If this is implemented the wording of paragraph 11 d i should be amended to read:

- i. In areas where the NPPF protects areas or assets of importance refusal of an application should only be when any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole and the statutory purposes and duties assigned to them.

The proposed clarification regarding which policies may be considered out of date in relation to the 'tilted balance' (i.e. those relating to the supply of land) is helpful and supported. However, the amendments made in relation to the location and

design of development and the provision of affordable housing are inadequate 'safeguards' against the proliferation of speculative applications that are likely to ensue upon introduction of the new standard method.

Simply identifying location, design and affordable housing provision as particular considerations to be taken into account when weighing up the potential harms of development against the benefits, will not help local authorities that are drawn immediately into the position of having a significant housing land supply shortfall. In addition, LPAs can generally only affect the supply of planning permissions, not the number of homes that are delivered. Thus, whilst it may be fair that LPAs are penalised if they fail to plan for sufficient housing or refuse consent that accords with its plan. However, the proposed system will punish LPAs when:

- Land is promoted as being deliverable in the Local Plan but is not delivered
- Land is delivered but not in accordance with the allocation i.e. watered down
- Applications are submitted that do not accord with the Affordable Housing etc. requirements
- No applications are submitted so it is impossible to approve them
- Developers game the delivery of their site to engage the tilted balance to land bank more consents but do not build them out

In these circumstances the LPA gets punished for the lack of delivery by the land promoter/developer. Even when sites do come forward when the LPA seeks to ensure compliance with the allocation, or its adopted policies developers know that the spectre of the 5-year housing land supply can be used to drive down standards as delivery trumps quality/compliance. There needs to be a more level playing field where the pain for lack of delivery also falls on developers e.g. the LPA could levy Council Tax on any allocated sites not brought forward or delivered within, say, 5 years with the funding used to help release the site; Government could raise tax on sites land-banked; ensure forced sale of land that has been allocated but not brought forward etc.

The commitment to ensuring quality rather than merely delivery is welcomed. However, it is also important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted.

The RSN supports the suggestions made by ACRE as set out in blue below with the text of the revised wording in the NPPF Consultation being in black

a) all plans, [including Neighbourhood Development Plans](#), should promote [the sustainability of the existing settlement pattern \(including by retaining existing, and enhancing social and economic infrastructure in rural areas](#) that seeks to meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance **would significantly and demonstrably outweigh the benefits of** restricting the overall scale, type, or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

c) approving development proposals that accord with an up-to-date development plan without delay; or

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.

A 5YHLS is essential to a plan-led system, but the proposed new standard housing methodology has resulted in housing numbers in rural areas that are unrealistic and undeliverable, even in areas that have gone for growth. This, along with the very limited capacity in rural LPA planning teams means that they will struggle to provide a 5YHLS, triggering the PFSD. Without a change in the methodology for calculating each LA's housing requirement rural areas will not benefit from a plan-led approach.

Once a Local Plan has been adopted, there should be no requirement to have to demonstrate a 5-year supply of deliverable housing sites. Instead, they should be required to report on the progress of allocated sites and larger planning permissions as part of their Annual Monitoring Report.

Only where it is apparent that the anticipated housing trajectory is falling behind schedule and that an insufficient number of homes will be delivered within a 5-year period, should the LPA be required to publish an updated housing land supply position statement in order to quantify the extent of any such shortfall so it is able to be weighed in the balance with all other relevant material considerations.

Given that the decision as to when to apply and when to build out rests largely with the developer, and given the cyclical nature of the housing market, there will inevitably be peaks and troughs in the delivery across the plan period. As such it should be the delivery over that period that should be measured or else there will be the perverse incentive for an LPA to slow down early/over delivery because it will be punished later in the cycle when there are insufficient sites left to meet targets.

Planning for a substantial uplift in numbers will require more land to be identified. A flat housing trajectory does not provide the window of opportunity for local authorities to work with the development industry to identify and plan out these sites, which often will be larger and more complex. If the Government is genuinely committed to a plan-led system, and raising the quality of development, it should consider as a minimum giving power to local authorities to 'backload' delivery.

Such an approach would provide many other advantages – it would also give infrastructure and utility providers opportunity to factor into their forward planning, and give the development industry (planners, construction industry alike) some time to develop the skills necessary to deliver at scale.

It is important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. The RSN is concerned that without amendment, the proposal will lead to the ‘planning by appeal’ scenario for many councils. To provide the opportunity for councils to ensure that development is appropriate, it is strongly recommended that a transition period is introduced whereby LPAs are given time to plan for increased housing needs.

Once LPA's have allocated land and issued planning permissions, national policy should introduce measures to ensure submission of reserved matters and delivery on site from developers/housebuilders in a timely manner. Paragraph 81 of the current NPPF could also be strengthened to help LPAs enforce this.

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

NO.

The wording on counting past oversupply in the five- year housing land supply should be retained. Housing delivery over a Local Plan period comes in peaks and troughs. While housing requirements should not be a maximum figure, disregarding past oversupply within a local plan will undermine plan LED development.

It is imperative that LPAs that have adopted plans are not penalised by land supply requirements. To incentivise the speedy delivery of local plans and to avoid unplanned development in unsustainable locations, LPAs with recent local plans should continue to be given certainty over a five-year period. The amount of time and money dedicated to plan-making, as well as the useful input from interested parties, including the public, is put in jeopardy with the emerging proposals on five-year housing land supply. The current position gives far more certainty and allow places to be shaped in a meaning and consistent way

The proposed change may have the perverse incentive for local planning authorities to slow down early/over delivery because they may feel they will be punished later in the cycle when there are insufficient sites left to meet targets.

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?

NO

The proposed new standard method results in a very significant increase in housing need for most rural authorities. The consultation acknowledges that the results of this will be many authorities being unable to demonstrate a 5- year supply and thus the tilted balance of the NPPF will be engaged.

In the absence of any phased introduction of the proposed standard method, to apply a 5% buffer on top, will simply exacerbate the situation and lead to an increase in speculative applications and planning appeal

The issue is not that local planning authorities do not allocate enough land for housing and jobs, it is the delivery which is the challenge and should be targeted.

It is important to recognise that local planning authorities, in allocating land for housing through a local plan already include sufficient sites to exceed their housing land requirement figure in order to provide flexibility in the market and to reflect that not all sites that are allocated will come forward for development.

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

NO – see Q9

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

NO

Annual Position Statements may be little used at present. However, they do provide a useful option if LPAs wish to use them. There is no harm with keeping this arrangement in place. It can help to avoid the 5 -year housing land supply being continually debated in planning appeals. In turn, this can allow LPAs to concentrate resources on plan making and determining planning applications, rather than having to resource planning appeals.

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

It is essential that national policy requires effective cross -boundary co-operation on strategically important matters and it is helpful that paragraph 24 is proposed to make specific reference to housing, infrastructure and economic and climate resilience.

The proposed introduction of paragraph 27 is supported in principle. However, it should be recognised that the investment plans of infrastructure providers do not always align with local plan timescales and priorities. It may be more appropriate for the text to require alignment with local plan infrastructure evidence rather than local plan policies themselves not being driven by sub-national economic strategy. It risks cross boundary co-operation being limited to horse-trading to try to manage housing numbers, rather than being focused on genuine cross-border strategy.

Further clarity is also needed on how housing needs in one area, where they cannot be delivered, should be redistributed to another.

Local Plans should not be penalised at Examination if there were a scenario whereby consistency couldn't be achieved due to another party not being willing to align, particularly in relation to unmet needs. As described, meeting unmet needs from other areas as well as their own needs is unlikely to be possible in most rural authorities. Therefore, in such a scenario it wouldn't be possible to "Make sure plan policies are consistent with those of those bodies".

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

It is difficult to comment on this proposal until we know more about what the role of these documents will be. 'Strategic scale plans' need to be more clearly defined. It is assumed this is in reference to spatial development strategies to be prepared by mayoral combined authorities, in which case we consider they should be high level, giving strategic direction and supporting local decision making and not undermining it.

At present the system works against strategic thinking e.g. delivery of new settlements, because the time taken to get them out of the ground in terms of infrastructure can be up to a decade. These are practical delays as opposed to planning delays. Because of the problems in getting spades in the ground on larger sites, there is an incentive on LPAs to allocate smaller sites (as they deliver quicker) and to avoid the larger sites as the potential delays associated with those larger sites may trigger the tilted balance and release ad hoc sporadic development onto LPA areas that try to plan strategically. A mechanism is needed to account for this in the 5 -year housing land supply figures.

It is essential that the tests of soundness are proportionate and allow for the more strategic expressions that will be inevitably required at a regional level. As recognised by previous proposals for reform of the planning system, justifying a plan and determining a sufficient and proportionate evidence base for local plans has become extremely challenging and significantly slows production and examination of plans. This is likely to be exacerbated at a regional level.

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

YES

It is recognised that planning delays in some areas can account for delays in house building. This, however, is not the whole picture. If Government focusses solely on planning delays its strategy will fail.

Even setting aside land-banking and gaming the system by developers, Government also needs to address issues associated with the lack of capacity in the building industry, the lack of drinking water supplies, the lack of sewage infrastructure to serve the new houses, the lack of grid connections, sites locked up in nutrient neutrality areas, developments mired in HRA assessments, developments where the lack of Habitat Banks means planning permission is stalled etc. These all sit outside the ability of the LPA to control but directly affect delivery and will prevent delivery of the houses no matter how many permissions are granted.

Guidance on the selection of and operation of suitable SDS areas will be vital to how the proposals of this section operate in practice and how authorities can proactively prepare for the new duties. For instance, whether they will be based on previously proposed economically functional areas or shared housing needs or some other relationship that can be objectively assessed. It would also be helpful to understand how the selection of areas will be coordinated to ensure universal coverage of the areas, how they will be agreed and who will do the work. It is assumed that this will be a shadow operation alongside local plans so that they may also be developed at pace, but this sort of fundamental broad detailing needs to be engaged on with local authorities as early as possible to allow for resources and relationships, governance etc to be developed to ensure a timely transition.

New Standardised methodology and its interaction with the Presumption in Favour of Sustainable Development (PSFSD)

The importance of a plan-led approach to development is as relevant in rural as urban areas. However, there is a significant risk that the scale of growth arising from the new Standard Methodology will seriously undermine the plan led approach and ultimately the achievement of sustainable development objectives in rural areas.

Analysis by the Rural Services Network (see the answer to Q3 above) of the housing requirement figures that arise from the new standard methodology show that in Predominantly Rural Areas there will be an increase of 70.2% in housing numbers. This compares with 6.4% for Predominantly Urban Authorities.

The use of the standard methodology is mandatory and will set a housing number for each local authority. It will form the basis for local authorities' Local Plans and for them to set the housing requirement for their area. In principle the inclusion of an up-lift to take account of the lack of affordability is helpful as the lack of housing

development in some LPAs has exacerbated problems of affordability. So too is the statement that LPAs can adopt a lower figure if they can justify to a Planning Inspector that they face particular constraints that make it difficult to accommodate the housing number. However, the scale of increase in the housing numbers in many rural councils will be difficult to accommodate. This includes LPAs that have maintained an up-to-date Local Plans, on-going 5 -year housing land supply (5 YHLS) and have supported growth.

Many of these authorities include national and international landscape and environmental protected areas, restricting site supply. They also have small planning teams that lack the capacity to undertake the detailed process of identifying deliverable sites. In consequence they are going to struggle to quickly put in place the required 5YHLS, so triggering the Presumption in Favour of Sustainable Development (PFSD). Experience has consistently shown that this has three negative consequences. Firstly, new developments that are out of scale with the host rural community and do not provide the type or tenure of housing that would meet their housing needs. Secondly, in turn, this fuels community suspicion and resistance to new development, including for rural exception site schemes. Thirdly, it reduces the supply of rural exception sites as it raises landowner expectation that their land will be either allocated or granted permission under PFSD.

The revisions to the NPPF do offer some welcome safeguards that would allow an LPA to refuse a planning application submitted under PFSD. These include that the adverse impacts of the development significantly and demonstrably outweigh the harm to affect protected landscapes and habitats, the location of development that promotes sustainable transport, achieving well designed places, or securing affordable housing. But under PFSD these will only be considered at the point of application and as experience to date has shown this is likely to result in planning by appeal.

The proposed method is also flawed by the requirement to meet 1.5 million homes over the parliamentary period, which inevitably skews the requirement because it fails to recognise the very real constraints to the delivery of such a step change in housing supply, which is constrained by many factors, not least a lack of skilled workforce and materials to build at pace.

In effect then, the application of the new standard methodology without taking account of the nature of rural areas or the resources of rural LPAs, is undermining the achievement in rural areas of the NPPF's requirement that the planning system should be genuinely plan led.

In a similar vein, the same impact of the PFSD will arise where LPAs fail to meet their Housing Delivery Test. Evidence consistently shows that it is not a failure of LPAs to grant planning permission but the failure of developers to build these out.

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

We are confused by the affordability ratio which is applied to housing requirements. We understand the basic ratio of 4:1 to mean where house prices are 4x income. But it then goes on to say *'for every 1% above that 4:1 ratio'* there will be a further increase.

Does this mean that when the ratio hits 5:1 there will be another increase in housing requirement? We have seen two different assumptions from Planning Consultants.

One suggests that it implies a 100 per cent increase (i.e. house prices have gone from 400 per cent of earnings under 4:1, to 500 per cent of earnings under 5:1

The second suggest that the approach is to take 0.8% of the current housing stock of the area and an uplift is applied based on a three-year average of the median workplace -based affordability ratio, with an increase of 15% for every unit above 4.

We would welcome urgent clarification

Other analysis shows:

- ❖ For all property types, homes tend to be less affordable to buy in 'Predominantly rural areas' than anywhere else outside London.
- ❖ In 1 in 5 of the Predominantly rural areas, the median affordability ratio of house price to income was more than 12:1
- ❖ In 1 in 4 of the Predominantly rural areas, the median affordability ratio of house price to income was more than 8:1

This demonstrates the critical importance of the affordability proposals for rural areas. irrespective of whichever of the assumptions above is correct (if either is?)

We do not support the whole premise of the proposed new approach that is based on housing stock. By failing to also take account of population and wider housing market conditions it provides housing requirement figures that are unrealistic and undeliverable. This is for the following reasons:

- The new housing numbers are often significantly higher than the numbers that would have been produced under the household projection methodology. This indicates a gap between stock and demand, which is likely to translate into insufficient interest from developers to build in these areas.
- It is based on historic supply, which because of the demography of an area may already result in over-supply. This is particularly likely in post-industrial areas. These are areas of low demand where developers do/will not want to build.

- Using stock numbers takes no consideration of the distribution of the housing stock. In rural areas much of the housing stock is dispersed across the LPA area in small rural communities. The stock-based approach increases the housing numbers in these areas but does not take into account how these will be accommodated in both National Landscape and un-designated and coastal rural areas.
- The stock-based approach takes no account of whether the houses are occupied as permanent residences and therefore includes second and holiday homes. This results in an overestimation of the amount of stock that is housing the local permanent population, particularly in National Landscape and coastal areas.
- In rural areas where LAs have gone for growth, the new NMS results in high housing requirements, but takes no account of whether the demography/market would support these new levels of growth or whether there is land available to accommodate it.

Our analysis of the proposals as set out in the “Outcome of the Proposed Revised Method” which accompanied the Consultation, is set out in full in our response to Q3 above.

It can be seen from that analysis that despite the NPPF Consultation stating that “the government supports the principle of directing housing growth to our larger urban areas and that the proposals will maximise delivery in urban areas, the proposals mean:

- In Predominantly Rural Areas overall – an increase of 70.2% (32,215 additional houses, or 6% per 1000 of the dwelling stock.
- In Predominantly Urban Areas - an increase of 6.4% (14,267 additional houses, or 0.9% per 1000 of the dwelling stock

The stock -based approach in the new methodology is likely to result in:

- Developers continuing to build where and what they want.
- No change in the geographic imbalances of where new housing is provided
- Deliverability considerations will often mean that market housing will be developed where and at a scale where it is not needed
- a push to deliver large numbers of homes at the expense of quality in rural and urban areas that will not deliver ‘well designed places’ or sustainable development.

There is a real risk that the proposals will undermine the NPPF’s ambition to focus major growth in urban locations as potentially have negative effects on urban areas where effectively the proposals push people out of those areas into rural locations because that is where the housing stock is in significant proportions. It creates a pattern of that is really directing developments to rural areas -where the infrastructure isn't available - and drawing people out of urban areas where the infrastructure is available - because the proposals create lower levels of housing ambition in those urban areas. This is compounded by the real concerns that the

market in rural areas would not be able to deliver the level of development. When combined with the wider changes in terms of the five- year supply and in particular the retention of the housing delivery test, there becomes a real risk that authorities will very quickly be in a situation where the presumption in favour of sustainable development appeals kick-in and that potentially results in undermining the plan led approach to development.

We would propose that the Government provides a range of housing requirement numbers derived from two methodologies, that based on stock and that based on 2018 population projection numbers. Local authorities would be required to plan on the basis a number within this range, evidencing this with reference to deliverability.

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

NO

Housing affordability ratios are biased towards increasing housing delivery in rural areas. They also do not reflect the range of stock in an area.

The RSN does support the use of workplace-based affordability ratios rather than residence-based.

House price data is heavily influenced by what stock is bought and sold – which will often be more expensive in rural areas, given the dynamism around second home ownership and the greater mobility of higher earners. Stock serving the needs of lower income residents will often be rented, either by registered landlord or private landowners, and will rarely transfer ownership. Lower quartile to lower quartile would be a better reflection of the challenges around affordability.

It is also widely publicised that housing has been getting increasingly unaffordable across the whole country since the late 1990s. The reasons for this are numerous and complex, for example:

- ❖ wages have not kept pace with house prices for many years running.
- ❖ land banking, which is where land is used as a financial asset to increase share prices rather than to deliver housing and developers purposefully 'drip-feeding' new homes into the market to inflate house prices.
- ❖ second home and holiday home ownership has removed housing from the market that could otherwise be made available to homeowners, and the resulting increased demand within a reduced pool of housing stock inflates house prices and worsens affordability; and
- ❖ various other contributing factors.

Simply building more houses does not decrease the cost of housing in an area or make housing in the area more affordable. The RSN is therefore concerned that housing affordability ratios do not provide an accurate representation of the number of homes needed.

Whilst the RSN fully recognises that issues of housing affordability need to be addressed, using it as a reason to inflate overall housing need is simply not reasonable or sustainable.

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

The detail of how the weighting was derived is not published and therefore cannot have any counterfactuals to challenge this.

Providing more housing will not deliver more affordable housing. The Government's latest Rural Housing Statistical Digest shows that:

- More new rural dwellings were completed in 2021/2022 than in any of the previous 15 years
- The more rural the area the more the proportion of new builds that are detached properties
- Proportionately the housing stock in rural areas is growing faster than in urban areas

BUT

- For all property types, homes tend to be less affordable to buy in Predominantly rural areas than anywhere else outside London
- In 1 in 5 Predominantly rural areas, the median affordability ratio of house price to income was more than 12:1
- In 1 in 4 Predominantly rural areas, the median affordability ratio of house price to income was more than 8:1

MHCLG Live Tables: Local Authority Housing statistical returns show that

- The number of affordable housing completions in rural communities of less than 3,000 population has fallen from 5,535 in 2018/19 to 4,788 in 2022/23.
- Completions on rural exception sites in 2022/23 is almost half (534) that delivered in 2016/17 (1071)

However, the additional weighting given to affordability factors is problematic. There is a clear issue of affordability in rural areas and that is not disputed. However, there is a significant disbalance between low wages and high housing costs that are unlikely to be addressed through a blunt mechanism such as increased housing targets without accompanying investment in affordable housing provision or the ability to increase the proportion of social housing delivered by schemes in an area with challenging viability. The presence of such an affordability gap means that any uplift applied should be met through a higher proportion of affordable homes, but this is unlikely to be supported by viability assessment. Without additional funding or support on viability the proposals will not actually provide more affordable housing, particularly within the presumption period that an increased housing figure will trigger.

It is a misleading notion that increasing supply at a district-wide level will have any significant impact on house prices. It is often evident that housebuilders retain supply rather than expedite building to maintain market value of properties. These actions reduce market availability and preserve high house prices. It is imperative that other measures are put in place to tackle the issue of affordability, rather than simply building more homes.

It only makes sense to adjust the baseline for affordability if there are proposals to ensure that the new dwellings constructed are affordable and therefore meet that need. 'Developer Contributions' from commercial sites will provide some rural affordable housing, but in many cases, these will not be affordable to those on local incomes. The remainder of the development will not. Moreover, in almost 66% of smaller parishes it is not possible to take an affordable housing contributions from sites of 9 dwellings or fewer, yet these small sites are the mainstay of residential site supply in these communities.

The government's ambition to increase delivery of affordable housing, particularly for social rent will only be achieved if it makes more capital grant funding available for affordable rented tenures.

We do not support the removal of the cap of 40% against the previous local plan figure or projection derived baseline – this is important because that cap, whilst a little arbitrary in derivation at least reflected that regardless of past undersupply by the market (not due to not meeting LP targets), the housing market was unlikely to be able to significantly increase supply over a short period without systemic changes. It is not clear that removal of the cap (an effective safety valve) will be accompanied by other measures by Government to help address the systemic failures of supply that will need to be corrected to actually deliver the uplift in housing supply.

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?

YES.

The affordability multiplier should be based on the relationship between local workplace-based incomes and house prices and rents, with a benchmark that no more than 33% of locally earned median incomes should be spent on rent and mortgage.

That said there is a theoretical link between rent levels and supply, but no real evidence that increasing a supply of new build rental properties will significantly decrease rent levels. Many rural areas already have experienced a number of landlords leaving the marketplace, poor standard of rentals and a general lack of affordability driven by landlord meeting their mortgage repayments and expectations of income rather than a properly balanced market.

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

The government should provide LPAs with a range of housing requirement numbers derived from two methodologies, that based on stock and that based on 2018 population projection numbers. Local authorities would be required to plan on the basis a number within this range, evidencing this with reference to deliverability.

As part of the national standard methodology a component should be included that reduces the housing numbers in areas with nationally and internationally protected landscape, habitat, and ecological designation.

Where local authorities are facing an increase in housing numbers above 50%, provision should be made for back-loading the numbers, providing LPAs with time to identify a deliverable 5-year housing land supply.

Government should take action to force developers to build out sites for which they have planning permission. These measures lie outside of the planning system but are essential for it to deliver the government's objectives and should include measures appropriate for small rural development sites. This could include:

- giving councils the ability to charge council tax and business rates on unbuilt schemes with planning permission, after reasonable time for construction.
- Providing capital grant funding on stalled market schemes on the condition that this is used to increase the supply of affordable housing, and in particular social rented, above Local Plan affordable housing requirements.

Government should direct the resources it has identified to increase the capacity of LPAs to rural local authorities where staff teams are very small and the increase in housing numbers is significant. This could include making available at nil cost to the authority sophisticated land search tools.

Irrespective of the method for assessing housing needs and the number finally required to be delivered in rural areas there is the fundamental question of whether an increase is likely to address in any meaningful way the affordable housing needs of our rural communities. This also raises questions about the definitions of affordable housing and how truly affordable the different tenures are in relation to rural workplace-based incomes.

The planning system does have a significant role in addressing the housing needs of rural (and urban) housing, but it cannot address all the complexities involved. **What is clearly needed, is a strategic policy which brings together the different strands with the necessary funding to achieve the policy objectives.**

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

Clarity should be provided that the policy should only apply to brownfield sites that are not currently in active use, so as not to put undue pressure on converting existing uses into housing development (e.g. pressure for new homes on a site that is currently actively used for employment or commercial uses).

The proposal to include hardstanding and glasshouses within the definition of previously development land / brownfield land. Is not supported. This, again, would lead to further housing developments in unsustainable rural locations. It would also open a loophole whereby hardstanding or glasshouses could be built to obtain planning permission for housing development in an otherwise unsuitable location.

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?

Any review of the Green Belt may result in land being taken out of the Green Belt, but this does not automatically mean that land is a suitable location for housing. An objective approach to both exercises may not identify the same parcels of land

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?

SEE RESPONSE TO Q20 ABOVE

It is important that any further new changes are subject to separate consultation.

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

NO

A distinction should be made between previously developed land and grey belt land. At the moment, grey belt land includes previously developed land, which is confusing. As there is an existing definition of previously developed land within the NPPF, this should be retained.

There should then be a separate and clear definition of what other land within the Green Belt could reasonably be classified as 'grey belt' land. At present, the proposed definition is vague and open to interpretation in referring to land that makes a limited contribution to the five Green Belt purposes.

Although an attempt has been made to quantify how a 'limited contribution' might be judged, those in themselves are open to interpretation. More specific criteria/guidance should be provided.

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

The definition should explicitly state that it will exclude any land which has obviously been purposefully degraded in order to try and meet the definition.

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

There are concerns about the vague criteria to identify whether land makes a limited contribution and so anything that provides additional clarity on this would be welcome.

In the interests of brevity, this would be better addressed within separate planning practice guidance.

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

YES

The proposed guidance is too vague and open to interpretation. A clearer definition of grey belt land should be developed which would avoid the need for criteria to define what is meant by a 'limited contribution' to Green Belt purposes.

If a definition can be produced for previously developed land, we can see no reason why a definition cannot be produced for 'grey belt' land.

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?

Whilst Local Nature Recovery Strategies are an emerging concept, they are likely to be able to play a key role in identifying areas of potential enhancement within the Green Belt.

One of the purposes of Green Belt is to assist in safeguarding the countryside from encroachment. Local Nature Recovery Strategies are about how and where to recover nature and improving the wider environment. Identifying areas of Green Belt which overlap areas highlighted in the LNRS will add further protection and safeguards from development

The text of the NPPF or associated planning practice guidance could usefully be amended to stipulate that when Green Belt reviews are undertaken, as part of that process, full regard should be had to any existing or emerging Local Nature Recovery Strategies.

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

IN PART – we fully support a brownfield first approach, but this should not preclude consideration of greenfield sites for development that meets affordable housing needs in rural communities where there is likely to no brownfield site

opportunities. Experience shows that it will be essential that the NPPF makes it clear that sequential testing is at location specific level.

Ultimately, we consider that such matters are best considered on a case-by-case basis.

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

YES

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

In part – we fully support a brownfield first approach, but this should not preclude consideration of greenfield sites for development that meets affordable housing needs in rural communities where there are no brownfield site opportunities. This should be reflected in the text.

Delivery of affordable housing in Green Belt villages would also be improved by providing a clear definition of what is meant in paragraph 146 by the terms, ‘open character of the village’ and ‘openness of the green belt’. These are vague concepts which restrict ability to deliver affordable housing in these communities.

The vague definition of grey belt sites is likely to lead to significant pressure from speculative development, particularly in those areas where a significant increase in housing need renders the local authority unable to demonstrate a 5-year housing land supply.

Developers will simply argue that the proposed ‘golden rules’ have been met, that the site makes a limited contribution to the purpose of the Green Belt and that planning permission should be forthcoming.

We strongly feel that the proposed change to Green Belt policy, including the concept of grey belt land, if introduced, should be confined to plan-making only and properly assessed through Green Belt reviews where necessary.

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

In respect of non-residential development, the proposed ‘golden rules’ set out in paragraph 155 of the NPPF only cover two issues – provision of necessary improvements to infrastructure and the provision of new or improved green space. Given that these should be pre-requisites of new development in any case, it is hard to see how they provide any particular justification for releasing land within the Green Belt, either through plan-making or decision-taking.

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

NO RSN RESPONSE

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

NO RSN RESPONSE

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

NO

We consider that 100% of land released from the Green Belt for residential development should be for affordable housing with at least 50% of that being Social Rent.

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

SEE REPLY TO Q34 ABOVE

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

IN PART –these should be applied proportionately, reflecting the size and tenure of the development. Rural exception sites schemes are already difficult to develop because the inability to achieve economies of scale means these types of contribution can make them financially unviable.

Adding the following final sentence to paragraph 155 would help support the government's ambitions of providing access to green space and affordable housing in Green Belt communities, 'The level of provision should be proportionate to the size of scheme and tenure of housing being provided'

It is felt by some of our members that the proposed wording is not ambitious or challenging enough.

If land is to be released from the Green Belt, it would be entirely appropriate to require a developer to go 'above and beyond' the standard provision of green space that would be expected from all development and yet as proposed to be worded, all that is currently required is the provision of new or improved green space that is accessible to the public.

That hardly seems particularly aspirational and should be strengthened to ensure that where land is released from the Green Belt, there is a demonstrable

improvement in the level of green space provided or enhanced beyond the standard 'do minimum'.

Similarly, there is no specific reference to nature recovery. One option would be to amend the text of the NPPF to stipulate that when land is released from the Green Belt either through plan preparation or decision-making, that the national minimum default for BNG should be increased from 10% to 20%.

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

IN PART - The principle of setting a benchmark land value is helpful and it is helpful that the Government also recognises the diversity of existing use values of sites in Green Belts. For this reason, we think it inappropriate for Government to set national benchmark values for Green Belt sites (other than Rural exception sites). We would therefore support the proposed wording in Annex 4 that requires LPAs to set out in their Local Plan policy a benchmark value for Green Belt sites, but with the additional provision that this can include two benchmark values to differentiate between greenfield and brownfield sites.

To strengthen this approach, it would be helpful if the following sentence in the NPPG is repeated in the NPPF paragraph 35.

'The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. Landowners and site purchasers should consider this when agreeing land transactions.' – NPPG Viability Paragraph: 002 Reference ID: 10-002-20190509

It will also be important that any national benchmark value for green belt sites is not set at a value higher than that which supports the delivery of rural exception sites which are dependent on a low land value (benchmark £10k a plot) to deliver their purpose of providing affordable housing to meet local housing need in perpetuity.

The NPPF should state that for rural exception sites in Green Belts the benchmark value should not exceed £10k a plot or 5 times agricultural value, whichever is the higher.

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

The consultation paper's options are not options, but proposed approaches to different scenarios. Option A is whether Government should set a national benchmark land value for Green Belts. The following two options set out approaches for securing policy compliant developments under two different scenarios.

We would propose three elements to the approach to setting benchmark land values and securing policy compliant proposals:

The NPPF requires LPAs to set out in their Local Plan policy a benchmark value for Green Belt sites, but with the additional provision that this can include two benchmark values to differentiate between greenfield and brownfield sites.

Plus, Option B

Plus, Option C

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

In principle we support a reduction in scope of viability negotiation. A reduction in negotiations will allow the communities greater opportunity in receiving the maximum benefits from the requirements provided via the golden rules.

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

YES

By policy compliant, we assume this to mean the 'at least 50% affordable housing' referred to in proposed new paragraph 155 of the NPPF. Given the text refers to at least 50% (SEE THE RESPONSE TO Q34 ABOVE) it would seem contradictory to then stipulate that no additional contributions for affordable housing should be sought on the grounds of viability. In some instances, it may be perfectly possible to deliver more than 50% affordable housing, and this should be recognised in the new text inserted at Annex 4.

Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

YES

However, this will require additional resource in LPAs to manage. The cost of any such late-stage review should be borne exclusively by the applicant and not the local authority.

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

NO RSN RESPONSE

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

So as to not impact on plans that have already reached an advanced stage of preparation, the proposed golden rules should only be applied to 'new' Green Belt release. As stipulated elsewhere under the proposed transitional arrangements for plan-making, in some instances, LPAs will be required to revise and re-publish plans that have reached the Regulation 19 stage, in which case those authorities would have the opportunity to consider how to apply the proposed 'golden rules' in any plan revisions that they are having to make.

In cases where there is no requirement to review and re-publish a local plan, it should be allowed to proceed to examination without consideration of the proposed new golden rules.

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

NO RSN RESPONSE

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

SUPPORT

Actions that achieve a realignment of land value expectations and remove 'hope value' expectations are welcomed as these are a significant barrier to delivery of Affordable Housing.

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

YES

Delivery of affordable housing in Green Belt villages would also be improved by:

- Providing a clear definition of what is meant in paragraph 146 by the terms, 'open character of the village' and 'openness of the green belt'. These are vague concepts which are sometimes used to stop delivery affordable housing in these communities.
- Recognition that Local Green Spaces are subject to Green Belt policy, but are by definition small islands of land, often in an urban or semi-urban content. It is essential that under-delivery of housing does not imperil these green oases. The NPPF should be explicit in excluding LGS from Green belt.
- Referencing in the provision of at least 50% affordable housing subject to viability, the proposed golden rules the provision of a proportion of social rented homes as part of this, in line with the proposed amendments to paragraph 63 of the NPPF.

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

YES

This is a more affordable and long-term sustainable form of tenure. However, there needs to be recognition that this will require additional subsidy to deliver it. Homes England need to substantially increase grant rates to achieve the level of social rent and apply a rural multiplier to overcome the viability challenges that are preventing Registered Providers developing affordable housing in smaller rural communities. Social rents should be delivered on developer led S106 schemes.

The proposed golden rules relating to the release of Green Belt land should stipulate that a proportion of the 50% affordable requirement should (although we believe it should be 100%) be in the form of social rented housing.

The revisions to the NPPF that place greater weight on the provision of affordable housing and in particular social rented housing are welcome. Local Housing Needs assessments in rural communities consistently demonstrate the need for truly affordable rented housing. It is also the case that Affordable Rent tenure does not provide this because it is set in relation to market rents which are high in rural areas and are consequently unaffordable to rural residents as locally earned incomes in rural areas are low.

The NPPF's helpful revisions could be strengthened by including a statement in paragraph 63 that LPAs policies for affordable housing and affordable tenure mix should be informed by an assessment of affordability with reference to local incomes, house prices and private rents, including a specific rural analysis where LPAs include rural communities.

This could be expanded in the glossary definition of affordable housing to include the recommendations of the Affordable Housing Commission chaired by Lord Best that recommended that no household should pay more than 33% of their equivalised household income on housing costs. As rural locally earned incomes are lower than those in urban areas, and rural house prices and rents are significantly higher than urban areas outside London, this calculation should be based on lower figures.

We also suggest:

- Adding a new paragraph to '3. Plan-making' setting out the rationale and benefits of greater affordable housing provision and social rent provision including meeting housing need and enhancing housing delivery through reduced market risk, improving developer cashflow and reducing susceptibility to market cycles. This would support planning authorities to defend social and affordable housing policies in Local Plan Examinations and appeals.

- Adding a new paragraph to '5. Delivering a sufficient supply of homes' setting out the rationale and benefits of 1) greater affordable housing provision and 2) social rent provision in particular. Specify that LPAs should prioritise the provision of social rented housing over other tenures in Development Plans and when assessing planning applications in recognition of the substantial need, previous under-provision and direct and indirect benefits of this tenure. This would not change Local Plan policies but would support planning authorities in Development Plan Examinations and appeals.
- In paragraph 60 (61 in new draft) amend last line to say, 'Including with an appropriate mix of housing types and tenures to meet the needs of the local community' This would support prioritisation of the affordable tenures which best meet local need through the planning system, preventing the substitution of social rent with other rented tenures.
- In paragraph 65 similarly, amend last line to say, 'Including with an appropriate mix of housing types and tenures to meet the needs of the local community'.

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

YES.

This needs to be set locally with regard to need, incomes, and general affordability
Policies should prioritise Social Rent.

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

YES

There is a place for affordable home ownership products, but this should be determined locally with reference to local need, incomes, and affordability. Policies should prioritise Social Rent. The arbitrary nature of First Homes has caused considerable concern. It has reduced the ability to secure affordable housing tenures, including shared ownership and Discounted Market Sale housing that are more affordable than First Homes and available to a wider group of people whose incomes exclude them from affordable rented housing, but who cannot afford to buy

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

First Homes Exception Site policy should be removed. The income derived from sales of these homes allows a land price to be paid which is above that needed to make a rural exception site viable. The result is landowners being unwilling to release land for rural exception sites that provide affordable housing for a greater

range of need, tailored to the specific needs of that community, including social rent.

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

YES

The proposal for mixed tenure sites, helpfully assists LPAs to secure developments that respond to a range of needs that exist in their areas. In rural communities this could include a higher proportion of affordable housing than could be delivered through market led developments, a higher percentage of social rented housing and homes for older residents needing to downsize or move into adapted accommodation.

However, the successful implementation of this policy will require that Homes England is able to provide grant funding for these sites, even though they may include an element of affordable housing. Currently Homes England cannot fund affordable housing provided through S106 contributions on market sites.

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

- Local Plans should set separate targets for social rented and affordable rented housing that reflect evidence of local housing need. These should be translated into policy as the proportion of these tenures that will be required from affordable housing contributions on market sites. Given low locally earned incomes and high house prices in rural areas, LPAs should set different targets and contributions for their rural communities.
- Vary tenures within a developer-led site – retain the overall number of affordable homes but provide social rent homes by increasing the number of intermediate homes such as Shared Ownership.
- Review the rent calculation for social rent to enable Registered Providers to offer developers more for the homes, thus aiding development viability and prompting the delivery of social rent.
- All LPAs should be able to take affordable housing contributions, including for social rent from sites of less than 10 dwellings in rural parishes with populations of 3,000 or fewer.
- LPAs should be required and supported to take a more positive and proactive approach to delivering rural exception sites by the introduction of a bespoke RES Permission in Principle (Aka – RES Planning Passport) and a RES National Development Management Policy.
- Key to LPAs being able to deliver more social and affordable housing will be the provision of national government capital grant subsidy through Homes England. Two measures will be crucial:

- A rural multiplier for small rural exception sites in response to the already higher costs of developing these sites as a consequence of inability to achieve economies of scale, rurality and remoteness.
- Homes England capital grant funding to fill any viability gap on smaller S106 sites that provide high levels of social rented housing or where for viability reasons developers, including RPs, seek to change social rented housing to affordable rent or shared ownership or discounted market sale housing.

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?

An unintended consequence of this proposal is the potential creation of isolated, single tenure estates, with the attendant disadvantages this can bring to the people who live there. The NPPF should state that this policy should be applied taking account of the evidence of local need, the site location and the community, housing and facilities around the proposed scheme.

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

It is disappointing in the extreme no suggestions have been put forward by the department given all the submissions made over the years by the RSN and other rural interest groups. Overall, some of the proposed changes are helpful, but it is disappointing that so little attention is given in the NPPF to achieving sustainable development in rural communities. Whilst some of this is down to lack of rural specific content, it is also as a result of unintended consequences that arise from not taking into account the circumstances of rural areas.

There is a clear need for a comprehensive rural housing strategy rather than trying to ‘tweak’ an urban base policy to address the different rural issues.

- The provision in the NPPF that “where a need for affordable housing is identified, planning policy should specify the type of affording housing required [including the minimum proportion of social homes required] and expect it to be met on site (with two exceptions) is welcomed.
- The wording around the proportion of market homes on rural exception sites could also possibly be reviewed so that it is clearer that any such provision should be subsidiary to the provision of new affordable homes.
- Affordable housing needs to not only be affordable to rent or buy, but affordable to run, and affordable to provide quality of life. Thus, housing needs to be well constructed and insulated, with minimised running costs, with good access to daily necessities. This is best enabled by a plan led system, which takes time and energy, not rapidly imposed housing numbers which will enable a rash of speculative and ill thought out applications.
- Set clear benchmark land values for land prices for Rural Exception sites. Allow LAs to CPO small sites (max 25 units) on the edge of or well related to

existing settlements giving landowners a BLV above agricultural use but with no 'hope value' addition.

- **Local Planning Authorities should be permitted to determine that the proportion of the totally assessed local housing need that is generated by the 'Affordability Criteria' should be allocated only to homes that are truly affordable (but to include affordable home ownership products) to those household on local rural level wages/salaries.**
- Homes England needs to introduce a national rural housing target. Only soft rural targets apply at present based on regional level.
- It is considered by several of our members that the Vacant Building Credit particularly disadvantages rural areas. This policy allows a developer to subtract the floor area of any vacant buildings on the site from the affordable housing requirement, meaning that any affordable housing is effectively extinguished from the outset. This policy automatically assumes that any such brownfield land is low in value. In rural areas this may not be the case and some of our members report that they have seen some developments locally where very high value sites have immediately escaped any affordable housing provision due to having buildings upon them.
- Site thresholds is another area that needs addressing. While the NPPF does identify the ability for designated rural areas to set a threshold of five or fewer this designation isn't automatic and in fact relates to S157 of the Housing Act and must be applied for through the Secretary of State. As we have argued many times the ability to set a threshold of five or fewer should automatically apply to all rural communities with populations less than 3,000. Site thresholds should be set by each LPA.
- Rural areas have significant elderly populations, and many elderly households have a desire to move into more manageable bungalow style homes freeing up their larger family homes. They do not want to move away from the area having spent time and energy establishing social groups and support within the community. Provision Needs to be made within the NPPF to encourage developments of this kind.
- We welcome the continuation of the policy specifying that "local planning authorities should support the development of exception sites or community led development on sites that would not otherwise be suitable as rural exception sites."
- We also welcome the acknowledgement that "to promote sustainable development in rural areas, housing should be allocated where it will enhance or maintain the vitality of rural communities. Planning policy should identify opportunities for villages to grow and thrive, especially where this will support local services. However, in the rural context it will remain important That existing communities are not 'swamped' by large scale development, - especially those for market housing which will not meet the identified local housing need.
- Other measures could be:

- Incentivising apprenticeships to ensure there is a skilled workforce to deliver the new homes required
- Extend the new RTB flexibilities beyond the 2-year period

Along with a number of other rural organisations we propose six planning measures that would improve the delivery of rural affordable housing. We will separately supply supporting evidence. We recognise that successful delivery requires a number of mutually supporting measures to be in place and a package of non-planning measures is proposed.

The six planning measures referred to are as follows:

Measure 1

The NPPF should require that local authority assessments of size type and tenure, as set out in paragraph 63, include a specific assessment (through agreed templates to assist in their undertaking) of housing needs in communities with populations of 3,000 or fewer, leading to adoption of a specific target in the Local Plan for delivering rural affordable housing in these communities.

Measure 2

Allow all LPAs responsible for rural communities to take an affordable housing contribution from sites of 9 dwellings or fewer by changing the definition of designated rural areas in NPPF paragraph 65 to, parishes of 3,000 or fewer population and all parishes in National Parks and AONBS.

Reflecting NPPF paragraph 64, the expectation should be that the contribution is as on-site provision, but with the ability to take a commuted sum of equivalent value to the affordable housing. If the latter, priority should be for this to be used to support the delivery of rural affordable housing in these smaller rural communities

Measure 3

Improve the adoption and implementation of the rural exception site (RES) policy across rural England by:

- a) Introducing a National Development Management Policy for Rural Exception Sites – Rural Exception Sites should be exempt from CIL.**
- b) Introducing through Statutory Instrument a bespoke Rural Exception Site Planning Permission in Principle (aka RES Planning Passport), supported by the National Planning Practice Guidance.**
- c) Changing the NPPF glossary definition of RES to specify these sites should be within or adjoining rural settlements.**
- d) Changing the NPPF definition of affordable housing to widen who is able to develop social housing, including that for social and affordable rent.**

A copy of the proposed RES PiP and a note that followed the Roundtable are available from Avril Roberts at the CLA and Jo.Lavis from Rural Housing Solutions.

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Measure 4

Strengthen the NPPF's Rural Housing Section to encourage LPAs to take a more positive and responsive approach to delivering rural affordable housing by:

- a) *Changing the wording of paragraph 80 in the consultation NPPF to read as follows (proposed revisions in **bold** text):*

*In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that **meet** local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites **on the edge or well related to rural settlements** that will provide affordable housing to meet identified local needs **in perpetuity. Land values for rural exception sites should be benchmarked at £10k a plot or five times agricultural value, whichever is the greater. A minority element of open market dwellings could be appropriate where it ensures the financial viability of the scheme. In some circumstances the landowner could be provided with a dwelling or plot for their own use where this will facilitate the release of a site, but without compromising or adding cost to the provision of the affordable housing. To increase level and speed of delivery local planning authorities are encouraged to use the Rural Exception Site Planning Passport.***

- b) Requiring LPAs to take a positive approach to rural development, including affordable housing, through their spatial development policies. This could be achieved by changing the wording in paragraph 81 of the consultation NPPF to read (proposed revisions in **bold** text):

To promote sustainable development in rural areas, housing should be located **to** enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will **support existing and new local economic activity and services. This can be within a single village and/or providing affordable housing to support the sustainability of a cluster of small villages functionally related through shared services and facilities they provide.**

Measure 5

Strengthen the policies for provision of affordable housing in the Green Belt by:

Provide a clear definition of what is meant by ‘openness’ of the Green Belt and the ‘open character’ of villages in the Green Belt.

- Clarify in NPPF – para 144 that a previously developed land first approach should not preclude consideration of greenfield rural exception sites where there is no deliverable previously-developed land or Green Belt sites in the rural communities where a local housing need has been evidenced.
- Clarify in NPPF paragraph 144 that sustainable locations, can include small rural communities, where a small scheme of affordable homes can meet local housing needs and contribute to the social and economic well-being of the community.

Measure 6

Support and strengthen delivery of affordable housing in National Landscapes (National Parks and AONBs) by:

- **Adding to paragraph 182 a list of developments that would be considered appropriate in these protected areas, including delivery of affordable housing to meet local housing needs through rural exception sites and small sites.**

Related non-planning measures to improve the delivery of rural affordable housing

Research and practice consistently demonstrate that successful delivery requires five mutually supporting elements to be in place. In addition to positive planning policy and practice these include capital grant funding, supply of deliverable sites at a price that ensures schemes are viable, strong local housing enabling, constructive community engagement and local leadership.

Improved capital grant funding for small rural affordable housing schemes by:

- Homes England being required to adopt a national target for the delivery of affordable housing in parishes of 3,000 population or fewer.
- Providing funding and capacity support to smaller specialist Registered Providers.
- Requiring that if Registered Providers have Strategic Partnership funding, they must be required to deliver an agreed target for rural as part of that contract.
- Homes England to apply a rural multiplier to grant rates for small (15 dwellings or less) rural exception sites in parishes with populations of 3,000 or fewer to cover the higher costs of developing these schemes arising from lack of economies of scale, rurality, and remoteness.
- Homes England to introduce/use 3-year funding programmes for rural affordable housing delivered through an individual or consortia of RPs, which could be SPs or

non-SPs, or a combination of the two. These rural programmes would be for delivery in parishes of 3,000 population or fewer.

- Reason – these recommendations flow from research that demonstrated a significant loss of RPs willing to develop small rural schemes. This was followed by an investigation into the factors that affect RP appetite to undertake this form of delivery. The underpinning cause cited by all RPs is that Homes England grant rates are insufficient to cover the higher costs of developing these small rural schemes because of the inability to secure economies of scale, rurality, and remoteness.

Strengthening local enabling, community support and local leadership

- Early announcement of continuing and sustained national government for the national network of Rural Housing Enablers (RHEs)

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

NO RSN RESPONSE

Question 56: Do you agree with these changes?

YES

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

In rural communities, especially ones that are under considerable market-led development pressure, there is a well understood need to create additional housing for those whose housing needs are not being served by either the private sale or rental market.

The definitions of ‘affordable housing’, ‘social housing’, ‘local needs housing’ etc. used in relation to this can be very important for these communities and are often the ‘make or break’ issue over the way in which a proposed development is received. However, they are distinctly different products and vary in the extent to which they are affordable to rural residents dependent on locally earned incomes, which are lower than for their urban counterparts. Of particular concern is Affordable Rent, which charged up to 80% of market rents is often unaffordable to these households.

We believe that Government should adopt, as a central plank of housing policy, the recommendation of Lord Best’s Affordable Housing Commission that no household should have to use more than 33% of its net income to meet its housing needs.

In the absence of local authority or Registered Providers willing to develop small rural affordable housing schemes a number of rural communities have sought to

meet this need through small Community Land Trust developments. There are also examples of where landed estates have sought to provide new affordable rented housing as part of their managed property portfolio. The current NPPF definition of who can provide affordable rented housing limits these initiatives, but equally we recognise that it is critical that the management and maintenance of any affordable housing is of a high quality, fair and transparent.

The discounts and price caps set in the First Homes Written Ministerial Statement (WMS) do not provide an affordable sale in many rural areas where house prices are high and local incomes are low. We would therefore prefer that the concept of discounted purchase aimed solely at first time buyers (First Homes) be discontinued. However, if this approach remains, homes sold in this way must only be considered 'affordable' if the discounted initial, and subsequent, sale price is arrived at by reference to local, lower quartile, incomes.

Given the significant operational challenges that would result from this change, it would be helpful if new Guidance were issued after first consulting housing and planning authorities, housing providers and those representing the interests of those in housing need.

To meet these concerns, we believe the NPPF glossary definition of affordable housing should be changed by:

- setting the principle of what is affordable using the definition recommended by the Affordable Housing Commission
- followed by distinct definitions of each different form of affordable housing tenures that can meet this affordability principle
- supporting a greater diversity of providers of affordable housing, without compromising the need for fair, transparent and high-quality management and maintenance of affordable rented properties.

Our detailed amendments are as follows.

Proposed changes to NPPF Annex 2 Glossary definition of affordable housing

Affordable housing: housing for sale or rent, that requires a household pays no more than 33% of its net income on rent or mortgage; and which complies with one or more of the following definitions.

Affordable housing to rent

a) Social Rent – housing let at formula rent, which is calculated in a way that takes account of the relative value of the property, the size of the property and relative local income levels.

b) Affordable Rent – housing for rent, that is at a rental cost higher than Social Rent but nevertheless requires a household pays no more than 33% of its net income on rent.

c) Build to Rent/Affordable Private Rent – provided by private developer with the homes let at rents that meet the affordability principle set out in the definition of affordable housing set out above.

All affordable rented tenures should:

i) be provided by Registered Providers, Local Authorities or other bodies that are approved by the local authority and meet their published criteria for providing high quality, fair and transparent management and maintenance.

and

ii) Include provisions to remain at an affordable price/rent for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision

d) Discounted market sales housing is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

e) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below local lower quartile market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to Government or the relevant authority specified in the funding agreement.

f) **First Homes (will require new Ministerial update to the WMS)**

First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:

a) must be discounted ~~by a minimum of 30% against the market value by an amount that is related directly to what is affordable by reference to local incomes for this population co-hort.~~

b) are sold to a person or persons meeting the First Homes eligibility criteria

c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,

d) after the discount has been applied the first sale must be at a price that is no more than a target price set by the local authority by reference to lower

quartile local incomes and house prices, or 20% lower than the lower quartile house price for the relevant housing market area.

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?

- The site allocation process is complex and time consuming. Rural LPAs have limited staff capacity and focus their efforts on identifying sites that will deliver high housing numbers, in order that they can meet their Housing Delivery Targets.
- Staff and financial resources will be needed to make this requirement achievable. It would also be helpful to have confirmation of the ability for local plans to delegate identification of smaller sites to neighbourhood Plans. This will help in large and complex authority areas and also increase local say over how growth is planned for. However, it may require additional technical and financial support for NDP groups.
- The requirement for allocating multiple sites is also burdened by a double requirement for modelling environmental impact, both through the allocation process and SEA (which rests with the LPA and with the applicant when the land is brought to application. This evidential burden of comparative analysis of different sites is onerous in terms of finance, resource – wasteful, because the LPA and developers duplicate the same work. It is suggested that any process to reduce this burden could employ a model like permission in principle or a passporting system to reduce waste, but this must be cost recoverable for the LPA.
- It is noted that there is currently no detail provided by the consultation on what an authority-specific small-site strategy would cover. A proposal that would provide the mechanisms needed to give small and medium enterprises access to a range of small sites through a series of annually renewing small site reviews should be considered.
- There has been a loss of SME builders who would be interested in developing these sites and they are too small for major developers to consider. LPAs may then consider that these sites do not meet the deliverability criteria in the allocation process (as set out in NPPG) and therefore do not allocate.
- The small site policy in the NPPF could be strengthened to allow all LPAs to seek affordable housing contributions from sites of 9 dwellings or less in their parishes with populations of 3,000 or fewer. The presence of affordable housing on these sites provides SME builders with the reassurance that there will be an income from the sale of these homes to a RP. This supports their cash-flow, making developing these schemes a more viable proposition for the developer and more deliverable from the LPA stance.
- Introduce more proportionality into the requirements to meet Nitrate and Phosphate Neutrality mitigation and Biodiversity Net Gain requirements. The small size of these developments means it is difficult to achieve economies of scale so any additional requirements above affordable

housing contributions can make schemes unviable. There is evidence that requirements to provide Nitrate and Phosphate Neutrality mitigation and meet the Biodiversity Net Gain requirements is stopping SME builders develop these sites.

- Clarify and give greater emphasis in the NPPF – para 58 and NPPG that ALL the planning obligations tests should inform the decision to seek planning obligations. The third is that the obligation is fairly and reasonably related to the scale and kind of development. Too often this latter test is not applied.

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

YES

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

Whilst the current focus on mansard roofs is indeed disproportionate (this form of development may be out-of-character in some contexts), the deletion of reference to prevailing building heights is concerning. Whilst there may be local design policies and standards in place to regulate building heights, this may not be the case, or these may not specifically take account of potential impacts on heritage or landscape features (their visibility, prominence and thus perceived significance) that can be affected by building heights. We therefore suggest that the words ‘height and’ are retained in the revised paragraph 122, part e).

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

The capacity of “design” professionals in LPAs has been severely curtailed over the last decade and as such will need substantial investment if it is to deliver.

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

YES

Yes, on the basis that this expectation is clarified in the NPPF to ensure that it is clear what scale ‘strategic’ refers to. This is necessary to reduce the need to identify and allocate large numbers of smaller or less strategic sites in the same way as the small sites’ requirements in paragraph 70 (71) of the NPPF, which would be onerous for larger authority areas.

We welcome the reference to the need to prioritise electrical network grid connections in relation to digital infrastructure (para 6 (a) in chapter 7 of the consultation guidance). However, we think there is a need for a wider recognition of network grid upgrades and connections beyond digital infrastructure. Urgent investment is needed into the distribution and transmission grid to unlock

economic opportunities within the renewable energy sector and the wider industries' demand for a clean supply of power.

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

It would be helpful if green industries were to be specifically referenced here in recognition of the climate emergency and the economic potential that exists in this key sector.

It would be good to see manufacturing supported via the new changes to ensure local productivity and modernisation continues within rural areas. Support and modernisation of local manufacturing would create a possible contribution to the reduction of carbon.

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

NO RSN RESPONSE

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?

Identifying an appropriate scale for such facilities is likely to be case specific and it is considered the existing policy framework (NPPF/ NSIP) provides adequate flexibility.

It will be important for local authorities to retain the ability to determine the majority of any such applications and so the threshold should be set such that only the very largest proposals would fall under the NSIP regime.

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

YES

The town centre chapter of the NPPF has remained fundamentally unchanged for many iterations. However, the challenges for town centres have changed fundamentally and the content of the chapter needs to reflect this changed set of circumstances.

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

YES

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

YES

To enable young people to get the quality education and skills required for future employment and careers in modern workplaces, a sufficient choice and mix of post-16 places are needed.

We also agree there is a need to create more early years places. Helping to address childcare availability and cost, recognised as one of the biggest barriers to work for parents and carers (including some grandparents). We suggest there is also a need to look at how planning can reduce restrictions to allow individuals to set up and run e.g., child minding businesses from their own or rented housing and to create local community hubs to support early years and increase children's wrap around care.

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

YES

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

In the rural context by only allowing for residential development which meets local needs (including affordability).

A fair funding formula for Government support to local government generally and specifically in respect of its Public Health and Social Care Services.

Specific reference could usefully be made to the use of Health Impact Assessments (HIA) both in plan-making and decision-taking.

If the NPPF were to explicitly state that the locational aspects of development should take into account health considerations including the availability of healthy food choices, that would be very helpful in providing clarity to local authorities on what policies are likely to succeed at examination.

It will be important to review of the Use Class Order to break down class E into its former constituent parts and remove the many permitted development rights that allow flipping from one use to another without permission. This is needed to provide control over the High Street to prevent inappropriate changes of use to takeaway etc. near schools.

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

NO RSN RESPONSE

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

NO RSN RESPONSE

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

YES

The proposed amendment to paragraph 160 is supported in strengthening the expectation that local authorities identify suitable areas for renewable and low carbon energy sources. The text (or accompanying practice guidance) could usefully be amended to clarify that this is referring to both the delineation of broad areas of suitability as well as specific sites.

There is tension between the legal duties to protect and enhance with Listed Buildings / Conservation Areas, conserve and enhance (AONB) and the “great weight” to be applied to these objectives when weighed against the measures needed to address the climate emergency. These do not enjoy the same legal status. The law needs to better balance these objectives if revisions to the NPPF are to have meaning.

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?

High-quality environmental assessments remain crucial and compensatory mechanisms should be in place if required in some cases

Additional criteria should be added to the re-numbered paragraph 161 to ensure that in plan-making, local authorities take account of any such sensitivities in seeking to increase the supply and use of renewable and low carbon energy and heat.

Paragraph 164 in applying to decision-taking should be amended in the same way.

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 RSN RESPONSE

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 RSN RESPONSE

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

NO RSN RESPONSE

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

National policy should be strengthened in various ways.

- Firstly, in relation to the issue of new build development it should be made clear that local authorities can set energy efficiency requirements which exceed building regulations in line with the December 2023 Written Ministerial Statement.
- Policy should be updated to refer to the use of water efficiency standards, making it clear that subject to evidence on water scarcity and viability, that local authorities can choose to introduce more stringent requirements that go beyond the current optional building regulations.
- It should also be updated to emphasise the importance of an integrated approach being taken in relation to the water environment such that issues of flood risk, drainage, supply, wastewater and efficiency are dealt with in a holistic manner.
- National policy could also be stronger in relation to the issue of retrofitting renewable and low carbon energy solutions, with specific planning practice guidance on how such issues should be approached in areas where there are heritage sensitivities.
- Stronger reference should also be made in relation to the inter-relationship between local plan policy and nature recovery strategies. Current references to LNRS are very limited and could usefully be expanded to ensure that they are properly reflected through plan-making.

A number of authorities have developed ambitious yet achievable policies for achieving genuinely zero carbon developments. These could be transposed into national requirements thus reducing the need for individual authorities to develop evidence (and therefore spend money) to justify policies on a case-by-case basis and risk some policies being challenged or watered down at Examination. It is widely recognised by the industry that Buildings Regulations and national policy is currently inadequate in delivering zero carbon development.

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?

There is undoubtedly a lot of work (and finance) to do to help LPAs develop the necessary expertise to support this sector and ensure development achieves the necessary requirements.

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

National policy should be updated to emphasise the importance of an integrated approach being taken in relation to the water environment such that issues of flood risk, drainage, supply, wastewater and efficiency are dealt with in a holistic manner.

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

YES

The policy set out in the Written Ministerial Statement of 13 December 2023, which seeks to inhibit local authorities' abilities to require net zero buildings through local planning policies (as Cornwall Council has done in its Climate Emergency Development Plan Document SEC1 Policy), should be withdrawn or amended to withdraw the controls imposed on choice of metric to be used.

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

NO

To do so would send out the wrong message

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

YES

Linked to the issue of healthy place shaping, there should be stronger national policy support for the creation of healthier food environments, use of local food production (e.g. allotments and community gardens) and shortening of food supply chains.

The long-awaited Land Use Framework should be introduced as soon as possible to bring clarity when alternative uses of land are being considered.

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

YES

It is essential that the primary focus of Government action is on ensuring that water companies remedy existing deficiencies within the water supply infrastructure network (leaks etc.) and also seek to provide any necessary upgrades to supply and disposal at the earliest possible stage.

National planning policy should be strengthened to ensure that as part of the infrastructure planning work that accompanies local plan-making, that proper regard is had to the timely provision of supporting water infrastructure.

It may be appropriate for national planning policy to make reference to the use of Grampian planning conditions whereby the occupancy of development is restricted until the necessary upgrades to supporting infrastructure (e.g. foul water capacity) have been made.

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?

NO RSN RESPONSE

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

NO RSN RESPONSE

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

It is considered that there is insufficient information provided to justify a change or to explain how the change would function differently to the existing approach. Further information and consultation should be undertaken on this matter.

There is a risk with the proposed changes to the NPPF as a whole that more development will happen directly through planning applications than through plan making. This is because the housing numbers proposed as mandatory are so high and as such few rural authorities will be able to demonstrate 5YHS. Even Green Belt authorities will be facing planning by appeal. As such, by default Local Plans could have less relevance and influence, trailing behind the decision-making process. If the Government, then wants to intervene to speed those plans up – it may find itself intervening in many plans. Further guidance on what this would mean would be welcome.

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

NO RSN RESPONSE

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

YES

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

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

One based on full cost recovery. This would still be a relatively small cost of the proposed 'development'

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

Yes

No – it should be higher than £528

No – it should be lower than £528

no - there should be no fee increase

Don't know

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

NO

It should be higher than £528. This would still be a relatively small cost of the proposed 'development'

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.

YES

Prior Approval Applications: The fee should be the same as an application for planning permission. There are number of detailed matters that require consideration and consultation with relevant technical experts can be required, depending on the application type. There is also the additional requirement to assess whether the proposal accords with relevant legislation

Condition Discharge Applications: In most circumstances, the current fees only cover a fraction of the costs of assessing applications. This is a particular issue for major applications where an applicant can apply for discharge of multiple conditions for a fee of £145. For these applications, the fee does not even cover the Council's administration costs. There are considerable costs associated with the review of 30 details by planning officers and technical experts. As a minimum, the fee should be per condition, rather than a flat rate irrespective of the number of conditions.

Invalid Applications: Invalid applications, together with the application fee, are frequently returned to applicants where the necessary information to make the application valid has not been provided. A fee/legal provision is required to cover a Council's costs for administration of this process.

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.

- A fee should be payable for any application that involves time and resource on behalf of the local planning authority.

- Owners of listed buildings and buildings within Conservation Areas as well as those who own properties affected by a Tree Preservation Order (TPO) are made fully aware of the potential implications when purchasing those properties and so it would not be unreasonable to expect reasonable costs to be covered when any such applications are submitted.
- Re-submissions within 1 year.
- Listed Building applications where there is no associated planning application require careful consideration and specialist input which should include a fee.
- EIA screening opinions should include a fee
- Removal/Variation of S106 agreements should include a fee
- Repeat application free go allowances should be removed. This avoids this route being used to obtain free pre-application advice. The availability of a free go is also being used as a free option for an otherwise paid service such as a non-material amendment.
- NSIP applications do not levy any fee to the local planning authority who are often responsible for a lot of coordinating work when producing local impact reports. Plus, the conditions on NSIPs are set by PINS but discharged by LPAs but they are unable to levy any charge on those types of applications – so there should be a fee for those cases.

Planning fees should be localised through a local variation model which would enable each LPA to determine the most appropriate fees to charge within an overall national framework.

This would ensure that any fees are reflective of the nature and number of application types typically received by each authority.

**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.**

YES.

The option should be available for councils to set their own fees to enable full cost recovery based on the local costs involved.

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

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

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

Neither

Don't Know

Please give your reasons in the text box below.

Deviation from a nationally set default fee should be an option where a council can demonstrate that the national fee does not provide for cost delivery

Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee. This is entirely commensurate with local decision making where locally elected councils are accountable to their electorate

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

YES

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?

The adoption of a local variation model would allow this to happen based on evidence of incurred costs and the type of applications that come forward whilst providing a degree of certainty for applicants by being set within a guideline national framework.

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?

A proportion of the costs of Plan Making plus climate, heritage, landscape, design and tree advice would all seem appropriate candidates for the application of wider planning fees, as these often require significant input and resource which will stray well beyond current fees, particularly for householder applications.

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

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.

This should reflect the true costs of dealing with such applications recognising that local planning authority are often responsible for a lot of coordinating work and any conditions arising are then discharged by LPAs. Often cost recovery calculated centrally is significantly below the actual costs incurred.

Cost recovery through planning application fees should be in place for category 'B' and 'C' (host) local authorities who directly incur the greatest proportion of costs in

dealing with such applications. The costs of any neighbouring authorities (categories A and D) should continue to be recovered through planning performance agreements.

We support the proposed flexibility of the arrangement whereby a planning fee can be waived in favour of a planning performance agreement where this is already in place or where the local authority determines this to be the more appropriate route.

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

No limitations should be prescribed. We support the use of a 'local variation' model for charging planning fees and this should be extended to include fees payable under the NSIP regime to provide an overarching national framework within which local authorities can then choose to set an appropriate local fee based on the scale and specific nature of the application proposed

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.

In some instances, the nature and scale of NSIP proposals are such that significant LPA resources are required to facilitate the process, particularly for host authorities. The Government should adopt a local variation model for the charging of planning fees and that this should be extended to include the NSIP regime. In doing so, the Government could usefully undertake some analysis of the costs incurred by engaging directly with host authorities involved in a selection of NSIP schemes. This would help to determine a suitable national guideline fee framework within which local authorities could then seek a local variation where appropriate and evidenced.

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

NO RSN RESPONSE

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

Rather than defining a significant increase in housing need as 200 dwellings, it would be better to use a percentage increase as the measure (e.g. a 20% increase in the housing need). A 200-dwelling increase to the housing need of a LPA with, for example, a housing need of 1,500 homes a year will be less 'significant' than if the same were to occur in an LPA with a housing need of, for example, 150 homes a year. If a percentage increase was instead used, it would bring consistency and clarity, whatever the housing need is.

It is also important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. As stated in earlier responses our members are concerned that without amendment, the proposal will lead to the 'planning by appeal' scenario for many councils. To provide the opportunity for councils to ensure that development is appropriate, we strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs.

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

NO

It is important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. To provide the opportunity for Councils to ensure that development is appropriate, we strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs without being exposed to the "presumption in favour of sustainable development".

One of our member authorities has raised with us an issue which may also affect other rural areas regarding the Government's proposals. They say:

"We are at an advanced stage of preparing our Local Plan and should benefit from the proposed transitional arrangements – the plan will be out for its Reg 19 consultation in October and is based on our current LHN dwellings per annum; the Government's proposals will give us a LHN of 264 dpa, a 115% increase. We expect to submit the plan in February/March 2025.

Once this plan is adopted, then we would expect our five-year housing land supply to be based on the 123 dpa requirement.

We are corresponding with the Planning Advisory Service regarding what we see as a grey area as to what happens once the NPPF is published/operative until the adoption of this plan.

It seems that once the NPPF is published, our 5YHLS would need to be demonstrated against our revised LHN of 264 dpa as there will not be up to date adopted policies in place. Our current 5YHLS is 7.7 years but with the 115% increase in our LHN this will automatically reduce to around 3.6 years, rendering adopted policies a being out of date.

Experience of not being able to demonstrate a 5YHLS has not been good and so we would expect to see a considerable number of applications on unpreferred sites, undermining a plan led approach to housing growth.

The Council is looking to take a positive approach to meeting the considerable uplift in LHN by committing to an early partial review of the plan, even in advance of commencing the Reg 19 consultation.

It would be helpful if the Government through the transitional arrangements could safeguard the 5YHLS to the current LHN where plans are well advanced to ensure a plan-led approach to housing growth and not the wild west”.

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

SEE RESPONSE TO Q104 ABOVE

There really needs to be some additional protection for authorities that are unable to demonstrate a 5-year land supply only because of a change in national methodology for calculating housing numbers. This could be justified through a test aligned to the Housing Delivery Test that takes into account past delivery of the ten objectively assessed needs. This could be tapered by adding on a fixed percentage uplift per year, which would incentivise getting a plan into place rapidly, but not punish an area that has made significant efforts to deliver the growth agreed through Examination in Public.

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?

The RSN along with other rural organisations are submitting a more substantive submission on Q.106 over the ‘rural proofing’ of the NPPF and related emerging Government policy towards planning and growth in rural areas.

In the case of the NPPF, the impact of rurality on people living in rural areas, and the risk of disadvantage arising from it compared to those living in non -rural areas, should be addressed as if it were classed as a protective characteristic in the Public Sector Equality Duty.