

POS CONSULTATION RESPONSE: PROPOSED REFORMS TO THE NPPF & OTHER CHANGES TO THE PLANNING SYSTEM

Chapter 1 – Introduction

POS is the single credible voice for public sector planners, pursuing good quality and effective planning practice. The Society's aim is to ensure that planning makes a major contribution to achieving sustainable development in ways that are fair and equitable and achieve the social, economic and environmental aspirations of the community. We operate in three main ways:

- As a support network for planners in the public sector
- As promoters of best practise in planning
- As a think tank and lobbying organisation for excellence in planning practice

Where we can, we will work across the sector to craft proposals that have widespread support from the people who operate the planning system at the coalface: landowners, developers, agents, legal, local authorities and politicians. We will be both radical and practical as we look for solutions to tangible problems that will make a real difference to crucial areas. Our objective is to improve the planning system to enable it to deliver its key aim of sustainable development. It is within this context that we have set out our response to this consultation so we can plan together for a better future.

Chapter 2 – Policy objectives

POS welcomes this consultation as it sets out a comprehensive and considered response to reforming the existing planning system so that it can deliver the sustainable development that the country needs. The planning system is not fundamentally broken, but it has been damaged by ill-considered and misplaced changes made over recent decades. There is a lot to do and the proposals in the consultation add up to an excellent start. There are however some areas where POS considers that further thought and discussion is needed.

1. **Resources:** The agenda is ambitious, but Government must acknowledge that resources in public sector planning are in a perilous state. All of Government's plans must be seen through this lens because to do otherwise will guarantee failure. Whilst action is underway, fixing this fundamental problem will take decades of concerted efforts. This must be recognised and the future agenda for the sector must be reasonable and deliverable within this context. POS welcomes the proposals around fees. Initiatives such as Pathways to Planning and Public Practice are vital and need to be sustained and grown. More needs to be done to ensure graduates consider the public sector as a career option. All these and more are necessary to grow our resources, but they will take time. It should also be recognised that there is a retention crisis in the public sector which increasing supply will not resolve. This is important because we are losing the experienced and knowledgeable planning professionals who are crucial to delivering the Government's aspirations for planning reform. The retention side of resourcing also needs to be addressed.

However, what we can do in a much shorter timescale is to look at the demands on the system and strip out some of the additional, non-planning, burdens that have been piled onto the system over the years. We set this out in the "Sticking to the Knitting" chapter in <https://www.planningofficers.org.uk/uploads/news/pos-mbp12-resources.pdf> and Government is urged to tackle this as a priority.

2. **Standard Method:** POS is supportive of the need for a Standard Method and recognise that all such methods have their faults. We set out changes to the existing demographic-based method in [https://www.planningofficers.org.uk/uploads/POS-MBP13-Housing%20Crisis\(1\).pdf](https://www.planningofficers.org.uk/uploads/POS-MBP13-Housing%20Crisis(1).pdf) that would have addressed the concerns expressed in the consultation. Our worry with the proposed stock-based method is that it is a proxy, it does not relate to housing need in an

area, nor a location's ability to grow and provide the necessary supporting infrastructure. There are some huge anomalies in the numbers that have been published and these will provide further fuel for those areas that are resistant to growth.

POS considers the proposed Standard Method to be a huge mistake. As local planners we need to have a conversation with our communities and politicians about housing our population; it is both an emotional and a technical conversation. The Standard Method must be based on understanding the quantum and nature of the people who need to be housed in the future and converting that into housing numbers and types. An abstract proxy number of homes does not enable us to do that and will perpetuate the anti-growth problems of the past and result in continued failure to deal with the housing crisis. We therefore strongly urge Government to reconsider its use as it is highly unlikely to deliver the increase in housing supply that is needed.

Fundamentally all such Standard Method tools tend to fall apart technically at the geography of the LPA, and this is compounded because they are applied with no regard for genuine local constraints. Any Standard Method needs to be applied at the strategic scale to provide more choice in how the resulting number is distributed to each LPA, reflecting more appropriately the local opportunities and constraints, including the need to review Green Belt boundaries.

- 3. Deliverability:** History tells us that we cannot rely on the private sector housebuilders to deliver the housing numbers that are being planned for. Their business model is not focused on meeting housing need (despite any rhetoric they may advance to the contrary) but is one of making money by selling homes at a price that covers their sunk costs (which includes operational profits) and, ideally, gives them an additional "risk" profit of around 20%. They increase and decrease output based on what Sir Oliver Letwin (in his "Review of Build Out Rates" in 2018) called the Absorption Rate; their view of how many homes they think they will sell without risking the price. The statistics tell us (see diagram on the right, which shows new build homes and does not include homes created by change of use) that for the last 50 years the private housebuilders have had an output that generally oscillates between 100K and 150K homes per year. When that has been exceeded (significantly in the late 1980s and slightly in the early 2000s) it was in response to the economic booms that preceded significant economic crashes (in 1989 and 2007), thereby embedding the caution that now characterises that sector. The Letwin Review also made it clear that there needs to be much more competition and that would only come if SMEs (especially medium sized developers) are given more/easier access to sites of around 50-150 units. POS is concerned that merely creating the conditions for more planning permissions to be granted (assuming that the planning applications are made), whilst being a necessary precondition, is not sufficient and will not result in delivery.

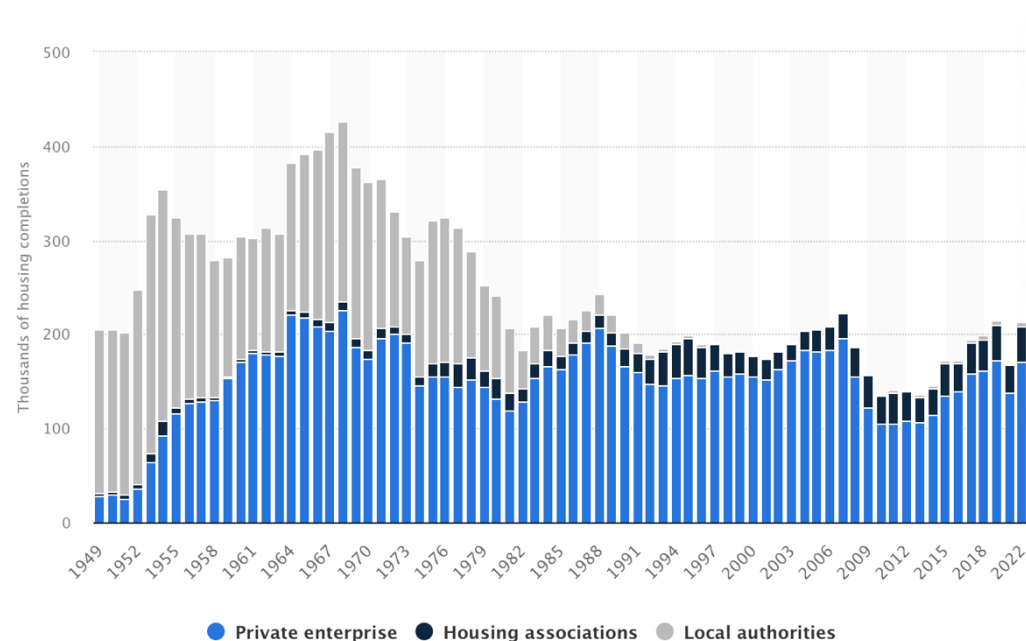


Figure 1: New homes completed in UK from 1949 to 2022

It is abundantly clear from the diagram that when we were consistently delivering more than 150K new homes a year, the public sector played a very significant part, often accounting for around half of the output. Without an expansion of public sector investment (converting the £1.6bn/year spent on

housing benefit and the £2bn/year (and rising) spent on temporary accommodation into investment in permanent quality homes could fund the construction of around 120K homes/year) the ambition to deliver over 300,000 homes a year, and particularly delivering affordable homes, will remain unmet.

In addition to facilitating housing growth at this scale, there is a need for Government to provide funding for infrastructure to support housing growth. The current system prioritises the funding of infrastructure (via s106 & CIL) over the delivery of affordable housing. It should be set out clearly in national policy that if delivering affordable housing is the priority, that the funding of infrastructure through the planning system is a bonus and it should not be expected to be fully funded as this misleads the public. Devolving funding and infrastructure delivery to the new regional levels, aligned with each area's housing numbers, will be vital so that they can then plan for and support delivery strategically. The statutory undertakers responsible for much of our infrastructure capacity (water, sewerage, electricity etc) need to be held to account for their frequent failures to discharge their statutory duty to plan to meet growth that is clearly planned in development plans.

4. **Housing Delivery Test:** This measures, and punishes, LPAs for the delivery of housing in their area. It is self-evident that LPAs do not deliver houses, housebuilders do. All we can do is to grant planning permission for the applications that are made which are in accordance with the development plan. The latest information from MHCLG shows that the submission of planning applications was at its lowest level since 2012/13. This is more than 100,000 fewer applications than the recent peak in 2016/17. Since then, apart from a small post-Covid-19 pandemic bounce in 2021 and 2022, there has been a year-on-year fall. Such figures reflect macroeconomics factors and many sector-specific external influences, including rising construction costs and workforce challenges in the construction industry plus the costs and availability of finance both to build and buy homes. What the reduction in application numbers is not related to is the planning system. These externalities impact on both the number of sites that are then built out and the future supply of land.

The HDT is therefore fundamentally unjust and needs to be scrapped. Measure us on matters within our reasonable control: local plan coverage and quality of decision taking (ie the appeal success proxy). Speed of decision taking is a traditional measure, but we urge Government to reconsider holding LPAs to account against that measure at the present time given the severe resourcing problems that they face: it's like criticising a runner with a leg injury for not achieving their expected times. Furthermore, the speed of decision-taking metrics have been in place for decades and do not reflect the increase in the range of matters that now need to be assessed as part of planning applications.

If scrapping the HDT is not done, then following the adoption of the new Standard Method many more LPAs will overnight fail the HDT and have the prospect of handling a myriad of unplanned, speculative housing applications relying on the tilted balance to gain consent. Whilst that route might be justified for an LPA without an up-to-date local plan, it is not justified or fair in the context of the HDT. This will increase pressures on already over-stretched planning services, add to the low morale in the sector and the exodus of planners both to the private sector and out of the sector.

Alternatively, if Government sticks with the HDT, then it must follow that housebuilders should be held to account for not implementing their consents. Use-it-or-lose-it mechanisms have been suggested, but POS has also been pushing for pro-active powers to compulsorily acquire stalled sites through a revised CPO procedure that would force the sale of such sites (rather than the public sector having to acquire them). More details here: <https://www.planningofficers.org.uk/uploads/POS%20MBP7%20CPO.pdf>. This would also facilitate strategies of breaking up large sites to give better access to SME builders and accelerating delivery as recommended in the Letwin Review. This should be coupled with removing barriers to local authority delivery of housing and financially incentivising public sector (including RSL) house building. This would be consistent with the comments elsewhere in the NPPF for example, that local areas are best placed to decide the right mix of affordable housing for their communities.

5. **Green Belt:** POS has been advocating for a sensible conversation around the Green Belt for nearly a decade: <https://www.planningofficers.org.uk/uploads/POS%20MBP3%20Green%20Belt.pdf>. Thanks for finally starting it.

The Green Belt is effectively a strategic-level zoning policy that is designed to influence the spatial geography and cuts across LPA boundaries. This is why the regional and sub-regional context is so important. The fundamental problem is that the Green Belt is too often seen as an environmental policy, whereas it is effectively an urban containment zone primarily designed to stop large urban areas from sprawling or merging and to preserve the setting and special character of historic towns. Our concern is that the concept of a Grey Belt could perpetuate this misunderstanding of the Green Belt with the notion that there are good and bad parts to it: at the most fundamental level, all parts of the Green Belt perform well because they stop our metropolis, larger cities and towns from sprawling and, as a corollary, assist in urban regeneration.

POS has been clear that the NPPF needs to explicitly say that following a brownfield first strategy to accommodate housing need, if there is a residual housing need (subject to any other strategies such as new settlements) the Green Belt **must** be reviewed at the strategic level **in order to find sites to accommodate that residual housing need** – no ifs or buts, the sites must be found. This is returning Green Belt to its origins of being part of a three-pronged post-war planning strategy: what we now called brownfield regeneration but was then Victorian slum clearance and rebuilding war damage, a new town programme for dealing with London's growth and a Green Belt to stop ribbon development and other types of sprawl from was damaging our countryside. Our modern approach must be equally strategic and recognise that if we are serious about brownfield first, that needs funding support or fiscal incentives to make it sufficiently attractive to undertake, including delivering the necessary supporting infrastructure. Although house prices might be higher in some of those urban areas, the uplift in land value can be quite modest due to existing high EUVs. POS considers that the process of identifying housing sites and reviewing Green Belt to find such sites should be integrated into a single SHLAA process that follows the brownfield – new town – sustainable Green Belt release sequence. In these circumstances the Green Belt review process is more of an exercise in finding suitable sites rather than a complete Green Belt review. POS is happy to assist in developing sensible and proportionate methodologies for this.

It is vital that the approach to releasing Green Belt is led by the need for the resulting development to be sustainable. Intrinsic environmental protections (such as those listed in current NPPF footnote 7, but not including land designated as Green Belt) must be respected and given appropriate weight. Whilst land of lesser quality should be preferred, there will be times where greenfield sites need to be released for development. There has developed a tendency to see all such sites as having value and therefore advocating that they should not be developed. Whilst they will have some value, the exercise must be clearly stated in the NPPF as finding the sites to house our population and therefore we must balance the benefits against the harms in our plan making and decision taking. It might be helpful if the NPPF pointed out that every home in the country, or its original predecessor, was developed on a greenfield site. Where all sustainable brownfield options have been exhausted, the exercise becomes one of identifying what is the best greenfield site(s) to release and develop. The proposed NPPF revisions are moving in that direction and POS is pleased to see that the concept of a Grey Belt seems to have been defined within this context as the means by which LPAs find land within their Green Belt for sustainable development to meet its housing needs. The NPPF must unambiguously state that any site considered for release must be sustainable first and only then can preference be given to land of lower quality. This is a vital sequential approach. It must be emphasised that "Grey belt" refers to sites within the Green Belt identified through this sequential process and is not in itself either a redefinition of Green Belt or its boundaries.

POS is very concerned about the prospect of Green Belt release occurring through the DM process; it is fundamentally a strategic policy, and its release must be plan led. Whilst we can see that in the context of a failure to have an up-to-date local plan in place, releases through the DM process may be justified, it should not be triggered by HDT/5YHLS failures for the reasons we set out above. The new Standard Method numbers will cause many LPAs insurmountable problems in accommodating them and, until a strategic approach is in place coupled with a more sensible distribution of numbers which takes into account deliverability, these issues will remain unresolvable in many locations. For this reason we urge Government to delay allowing GB

release to be done through the DM process until strategic planning is in place and LPAs can update their local plans to meet the new (sensibly distributed) housing numbers. If this is not done, we will be met by an avalanche of speculative planning applications that will bring the system (both LPAs and PINS) to a grinding halt.

6. **Viability:** The challenge of land value capture (in all its forms) is as old as the 1947 Act. Recent lessons, following the High Court judgement in Parkhurst (Parkhurst Road Ltd v Secretary of State for Communities And Local Government & Anor [2018] EWHC 991 (Admin) (27 April 2018)), demonstrate that clear guidance in the PPG can have a significant impact on changing behaviours and releasing value for public benefit. Other policy innovations (such as the London Plan 35% affordable housing policy) can have tangible benefits in boosting the delivery of affordable housing. POS therefore strongly welcomes the focus in the NPPF on viability and delivering affordable housing, particularly in the context of Green Belt releases. Sensible and measured legislation and Government policy (unlike a lot of the post-war initiatives) can bring about desired changes to market behaviours without suppressing or halting development activity. Responsible developers accept the need to do their bit in facilitating necessary supporting infrastructure and assisting with reasonable affordable housing delivery. This is a huge area and POS has produced several papers on improvements to infrastructure and affordable housing delivery, compulsory purchase and land value capture (all downloadable from here <https://www.planningofficers.org.uk/pos-manifesto>).

Of particular relevance to the current NPPF changes is a need for the Framework or the PPG to pick up some of the recent case law where local health trusts have challenged LPA decisions to not secure funding for their services. In these cases the funding was for operational activity rather than physical infrastructure, justified because of short-term funding challenges in that sector. We urge Government to make it clear that the planning system can be rightly called upon to fund physical infrastructure (ie buildings, roads, railways etc) the need for which is because of new development, but it is not there to deal with demand for services, which is the role of rates and taxes to fund. Objectors often cite a lack of doctor appointments or school places as objections against proposed new housing developments, but these are rarely an infrastructure issue, but a result of the way those services are funded. It is worth making the somewhat obvious point in the NPPF that housing development does not produce people. The people who move into a development already exist and are using services; many will be in the local area; others will move into it. Those that move into an area may increase demand for services in that area, but it follows that demand in the area that they move from will reduce. It is for those sectors (health, education, police etc) to manage that; there should be no role for the planning system. This is important because there is a limited pot of money in any development to fund infrastructure and subsidise affordable housing and because of the way the various statutory tests work, it is affordable housing (a policy requirement rather than a mitigation requirement) that is always the first casualty. We need to more clearly limit mitigation to physical infrastructure only to ensure that we maximise the provision of affordable housing. If the provision of affordable housing is the priority, then national policy needs to manage the expectation that development will fully fund all physical infrastructure.

Finally, in drawing up Infrastructure Delivery Plans to support Local Plans and CIL charging schedules, LPAs can find it challenging to ascertain the infrastructure needs of service providers because often they have not properly considered it. Government should require those providers to produce evidenced infrastructure delivery plans based on a minimum 10-year horizon that are reviewed every 3 years setting out their physical infrastructure needs and their plans (including funding sources) for delivering them. As an incentive, having these plans in place should be a pre-condition for an infrastructure service provider to be able to seek infrastructure funding through the planning system, either through CIL or s106.

POS would welcome the opportunity to discuss the above matters and our consultation response below so that we can together ensure that the changes that are made to our planning system are designed well so that they are efficient and effective and are within the resources of the system.

Chapter 3 – Planning for the homes we need

1	Do you agree that we should reverse the December 2023 changes made to paragraph 61?	Yes
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?	Yes, but see our comments in the introduction with respect to the Standard Method being used at a strategic geography and then that number being distributed to the LPAs in the area so that account can be taken of each area's ability to deliver that housing given the existence of environmental constraints (which would not include a Green Belt).
3	Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?	Yes, this was wholly arbitrary with no empirical basis. However, the continuing focus on the main urban areas to meet development needs is supported, as well as the recognition that growth should be managed through strategic planning and not at the geography of a local authority, which are generally too small.
4	Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?	The marked-up consultation version of the NPPF has had its numbering disturbed and the paragraph referred to is now numbered 129. Yes, the role of planning is to manage change. The future needs of our population must be accommodated sustainably and as a result, the character of those areas that are developed is likely to change and potentially have a new character. Our job is to ensure that new character is of a high quality. We should use the design tools at our disposal (including Design Codes) to ensure that we produce development that meets the needs of our communities and that we can all be proud of. Some of the much loved and high-value areas in our cities also have some of the highest densities. They are where our Georgian, Victorian and Edwardian predecessors did just that.
5	Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?	Yes, for the reasons stated in the previous answer.
6	Do you agree that the presumption in favour of sustainable development should be amended as proposed?	Yes. However, it is noted that Chapter 9 focuses on "Promoting sustainable transport" and consideration should be given to also referencing Chapter 8 "Promoting healthy and safe communities".

7	<p>Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?</p>	<p>No. POS fully recognises and supports the need to deliver new homes as quickly as possible. As part of the local plan process, LPAs need to demonstrate a 5YHLS at the point of adoption and that this should be reflected in the decision-taking process. The 5YHLS must be demonstrated through the local plan housing trajectory which LPAs draw up having been informed by a whole range of considerations, including having engaged with developers and site promoters, factoring in the time it takes to start delivering on more strategic sites, the timing and phasing of critical infrastructure delivery and so on. Depending on local circumstances, including the scale and nature of proposed allocations, the 5YHLS may take a “stepped trajectory” approach such as delivery of new homes will accelerate later in the Plan period. This must be clearly evidenced and justified at examination. Government has made it clear that it believes in a plan-led system, so this “decoupling” of a crucial part of a Local Plan is of concern to POS.</p> <p>As such POS’s position is that once a local plan has been adopted its housing land supply should be fixed for a period of five years (which reflects the period whereby strategic policies are considered to be up to date). The requirement to have completed a review of a plan within five years of adoption provides the “fail-safe” should allocated development not come forward as anticipated. Without this, it begs the question as to why have an adopted plan in the first place and would appear contrary to the clear opening statement in paragraph 15 of the NPPF that “the planning system should be genuinely plan-led”.</p> <p>Moreover, the situation where LPAs must keep demonstrating that they have a 5-year supply at planning appeals is counter-productive, because it diverts scarce resources away from plan-making, and contributes to delays in plan preparation.</p> <p>In addition, the term Deliverable is onerous and far too high a bar: the sites must “be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years”; even a landowner/developer might struggle to demonstrate that. The Developable definition (sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged) is much more realistic and should be used.</p> <p>POS has urged Government to give LPAs powers to be more pro-active in bringing forward stalled housing sites (https://www.planningofficers.org.uk/uploads/POS%20MBP7%20CPO.pdf) and such a pro-active approach is to be preferred to allowing developers to play the system by holding back (generally challenging brownfield) sites in order to leverage the release of greenfield sites through the HDT/5YHLS and the resulting tilted balance.</p>
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8	Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?	<p>The marked-up consultation version of the NPPF has had its numbering disturbed and the paragraph referred to is now numbered 76. There are several changes to this “Maintaining supply and delivery” section and POS will set out its comments to all those changes here.</p> <p>As set out in the introduction, POS does not consider that the HDT is a fair measure given that LPAs are not responsible for delivering housing. Failures in delivery bear no relation to the number of planning permissions but are related to wider economic factors. Housebuilders will build as many homes as they can sell at the prices they need to in order to make a profit. The Sir Oliver Letwin “Review of Build Out Rates” in 2018 set this out clearly and POS is highly disappointed that the HDT fiction continues.</p>
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?	<p>No. Most local plans allocate more sites than are needed to meet the identified housing requirement in order to reflect the fact that not all allocated sites will be developed in due course. This also provides for choice and competition in the market. Furthermore, the notion of moving sites forward from later in the plan period has always been a curious one. The reason for indicating that sites will come forward later in the plan period is usually based on information provided by developers/land promoters, the timescales for delivery of critical infrastructure and legal considerations such as the timescales for a site becoming available because of leases on land and buildings.</p> <p>The position of POS is that once a local plan has been approved its housing land supply strategy and trajectory should be taken as fixed for a period of 5 years, as set out in the revised wording. If a 5% buffer (to ensure choice and competition in the market for land) is still considered necessary by Government (although the basis of the new Standard Method and the way it is calculated would suggest that it no longer should be) this should be included as part of the plan-making process and not form any part of the decision-taking process.</p>
10	If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?	N/A
11	Do you agree with the removal of policy on Annual Position Statements?	Yes, subject to the other points we make in our answer to question 8 above.

12	Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?	<p>It is universally recognised that the Duty to Cooperate does not work. A more effective approach to strategic planning is the answer and POS welcomes the plan to reintroduce that. Until that is in place POS understands the need to get a temporary measure for cross-boundary cooperation in place.</p> <p>The significant anomalies introduced by the new Standard Method (as described in the introduction to our response to this consultation) will considerably increase the need to co-operate on cross-boundary matters and therefore the need to get strategic planning solutions in place quickly is extremely urgent.</p> <p>The amendments made to the “Maintaining effective cooperation” section of the NPPF are considered reasonable and proportionate as a short-term interim measure.</p>
13	Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?	<p>Yes. Strategic plans provide high level spatial investment frameworks for managing growth over a long period of time. The current tests of soundness are focused on shorter term, detailed local plans with site allocations and tests, particularly on deliverability, will result in failed strategic plans. A bespoke testing process is needed, and POS would be happy to assist in developing this via our Strategic Planning Specialist.</p>
14	Do you have any other suggestions relating to the proposals in this chapter?	<p>There is no relationship between the Standard Method and future population increase; the approach is presumably that the former will drive the latter. However, the alternative is that at least in part, the large increases in housing stock required in some areas (such as the overall 99% increase for the North East) will not be accompanied by sufficient economic growth and will therefore not be achieved, and/or that an excess of new housing outstripping population growth will be accompanied by market failure in older and less popular housing areas, resulting in extensive areas of abandonment and dereliction with the accompanying social and environmental problems. That is hardly good planning.</p> <p>The proposed amendments need to take account of other infrastructure planning documents such as Local Transport Plans, the Water Company's Resources Management Plans, Waste and Mineral Plans. The system of bringing forward or planning for future sustainable growth has become so disjointed it is inhibiting growth and leading to pressure to develop in poorly resourced locations. Strategic Guidance should seek to read across all these areas so that developments are not delayed by trying to resolve access to energy (ie electricity) or water supply.</p>

Chapter 4 – A new Standard Method for assessing housing needs

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?	<p>POS is supportive of the need for a Standard Method and recognise that all such methods have their faults. We set out changes to the existing demographic-based method in https://www.planningofficers.org.uk/uploads/POS-MBP13-Housing%20Crisis(1).pdf that would have addressed the concerns expressed in the consultation.</p> <p>Our worry with the proposed stock-based method is that it is a proxy, it does not relate to housing need in an area, nor a location's ability to grow and provide the necessary supporting infrastructure. There are some huge anomalies in the numbers that have been published and these will provide further fuel for those areas that are resistant to growth.</p> <p>POS considers the proposed Standard Method to be a huge mistake. As local planners we need to have a conversation with our communities and politicians about housing our population; it is both an emotional and a technical conversation. The Standard Method must be based on understanding the quantum and nature of the people who need to be housed in the future and converting that into housing numbers and types. An abstract proxy number of homes does not enable us to do that and will perpetuate the anti-growth problems of the past and result in continued failure to deal with the housing crisis. We therefore strongly urge Government to reconsider its use as it is highly unlikely to deliver the increase in housing supply that is needed.</p> <p>Fundamentally all such Standard Method tools tend to fall apart technically at the geography of the LPA, and this is compounded because they are applied with no regard for genuine local constraints. Any Standard Method needs to be applied at the strategic scale to provide more choice in how the resulting number is distributed to each LPA, reflecting more appropriately the local opportunities and constraints, including the need to review Green Belt boundaries.</p> <p>Until these problems can be addressed through strategic planning, many more LPAs will be faced with being tipped into HDT failure overnight and having to deal with an increased workload of developers seeking to get consent on unplanned and unallocated sites through the tilted balance. This will bring the system (both LPAs and PINS) to a grinding halt</p>
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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?	<p>No. The affordability multiplier is based on the misplaced belief that there is a strong and clear relationship between house prices and housing supply. That is not the case.</p> <p>The housing crisis is one of house price inflation which is caused by too much money chasing too few goods. The supply side is only one side of that coin, and it is the demand side (the availability of money to purchase housing) that is the dominant factor. Housing acts more like an asset than a commodity, and the simple economics of supply and demand are not the driving forces. POS has set this out here: https://www.planningofficers.org.uk/uploads/POS-MBP13-Housing%20Crisis(1).pdf.</p> <p>Historic increases and decreases in house prices relate to changes in wider economic circumstances the result of which either increases or decreases the willingness of investors to invest in house building or lenders to give mortgages. It bears no relationship to how many planning permissions are granted other than the fact that in periods of higher house price inflation, developers are more active and usually make more planning applications – any relationship is consequential and not causal.</p>
17	Do you agree that affordability is given an appropriate weighting within the proposed standard method?	No, see answer to question 16 above.
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?	No, rental affordability relates to factors within that market (tax changes, interest rates, regulation changes, landlord and managing agency aspirations etc) that are not related to the supply of stock.
19	Do you have any additional comments on the proposed method for assessing housing needs?	No

Chapter 5 – Brownfield, grey belt and the Green Belt

20	Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?	<p>The marked-up consultation version of the NPPF has had its numbering disturbed and the paragraph referred to is now numbered 123c.</p> <p>POS agrees that priority should be given to brownfield land for accommodating homes and other identified needs. The existing wording gives such proposals “substantial weight” in the decision-taking process, which is a considerable level of national policy support. POS is concerned that stating that such development is acceptable in principle in all circumstances is unwise as it could have unintended consequences. For example, would an identified need for a use that has potential significant externalities (eg for a sports stadium) automatically be acceptable in principle across all brownfield sites? You would want a sports stadium to be located close to public transport capacity and many areas would not be acceptable because of that principle.</p> <p>As an alternative, we would suggest a change to the system generally that where sites (not just brownfield sites) are allocated in a local plan they have the equivalent of a Permission in Principle and that in determining any subsequent application for planning permission, (as a matter of law) only the details can be considered as the principle has already been established through the plan-making process.</p>
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?	<p>The marked-up consultation version of the NPPF has had its numbering disturbed and the paragraph referred to is now numbered 153g.</p> <p>POS agrees with the changed wording.</p>
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?	<p>The definition of PDL has excluded “land that is or was last occupied by agricultural or forestry buildings” because of the ability of such uses to erect further buildings utilising their extensive PDR rights and therefore allow a significant proliferation of development in the countryside by such means over time. Glasshouses will usually come within this category and therefore POS does not understand why they are now being proposed to be included as PDL. Without further detailed justification we cannot support their inclusion as PDL. Also, see our answer to question 83 with respect to food production.</p> <p>With respect to hardstandings, the existing definition makes the point that while the curtilage of a building is included in the PDL definition, “it should not be assumed that the whole of the curtilage should be developed”. Hardstandings are generally open and the extent to which they might harm the openness of the Green Belt or the character of the countryside is very limited. They can however be very extensive areas and whether they should be developed needs to be considered very carefully on their individual merits. POS considers that including them into the PDL definition is extremely unwise.</p>

23	Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?	<p>The five Green Belt purposes are defined in paragraph 143 and not 140 as stated in the consultation.</p> <p>All Green Belt performs well against purposes (a) and (e): it prevents sprawl and encourages any development to locate in the non-Green Belt urban area. Whether Green Belt performs well against purposes (b) and (d) will be contingent on whether merging is a possibility in that location or whether an historic town is nearby: it is therefore axiomatic that if an area of Green Belt does not perform well against these purposes it cannot be considered failing if the contingent elements are not present.</p> <p>It therefore follows that it is only purpose (c) that is likely to be a factor in defining and identifying Grey Belt land: ie land that is more urban than rural in character. Additionally the definition must include the requirement for sites to be sustainable. Accordingly we prefer the following amended definition:</p> <p>“Grey belt: For the purposes of plan-making and decision-making, grey belt is defined as land in the Green Belt that is capable of delivering sustainable development and comprises either Previously Developed Land or any other parcels and/or areas of Green Belt land that makes a limited contribution to safeguarding the countryside from encroachment but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).”</p>
24	Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?	Yes, it is vital that a caveat is included in the NPPF to make it clear that the ability of land to meet the Grey Belt definition should be based on its intrinsic factors rather than any conscious or negligent diminution or degradation caused by the owner's actions or inactions.
25	Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?	Yes, see answer to question 23 above, and, with regard to the second question, it should be included in the NPPF itself to maximise clarity and weight and ensure a clear and consistent relationship with the other relevant NPPF text.
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, see answer to question 23 above.

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?	<p>LNRS should be used to inform every GB review and specifically, to identify where there are opportunities to invest and improve land that could otherwise be designated as Grey Belt. LNRS are an integral part of the planning system, and their aim is to provide:</p> <ul style="list-style-type: none"> • a new duty on all public authorities to have regard to relevant LNRS; • an incentive in how the new requirement for biodiversity net gain is calculated - to recognise the added impact of acting where the LNRS proposes; • the integration of LNRS into the planning system, so that areas of greatest potential for nature recovery can be better reflected in planning decisions; and • funding for specific activities that LNRS will be expected to propose locations for. <p>They therefore should be able to identify green belt land that could be enhanced. The concerns though relate to the timescales for the delivery of LNRS and the cross boundary working where the green belt is in more than one upper tier authority area.</p>
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?	<p>The marked-up consultation version of the NPPF has had its numbering disturbed and paragraph 145 is now numbered 144.</p> <p>The amendments are supported by POS. The Green Belt should be reviewed to accommodate housing need where it is necessary to do so, subject to the comments above on a better and more realistic way of distributing need between local authorities. It is vital that the sequence in each situation (PDL, Grey Belt or other land) is made crystal clear: land must be sustainable first and then in one of the three categories.</p>
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?	<p>Whilst we can see why the wording “unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of the plan as a whole” has been included, we are concerned that this introduces a new concept that may have unintended circumstances when it is unpacked by the Courts. The view of POS is that it should end with “... to meet these needs in full” to make it clear that housing need must be met.</p>

30	Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?	<p>The NPPF makes it clear that Green Belt is a strategic policy and should only be reviewed through the plan-making process, POS urges Government to exercise caution in allowing such decisions to be made through the DM process.</p> <p>In the context of supporting the delivery of housing need, in advance of LPAs getting updated Local Plans in place and Green Belt reviews underway, POS could support a proposition where a reasonable period of time was allowed for this to happen and then any LPA without an up-to-date plan in place would be subject to potential Green Belt release through the DM process.</p> <p>POS does not support any such provisions being applicable in the context of the HDT or a lack of a 5YHLS, as we have set out in the introduction to this response. The HDT should be abolished because of its intrinsic unfairness: LPAs have no control over housing delivery. The new Standard Method will make that position significantly worse with respect to many LPA's 5YHLS.</p> <p>What POS would support is where an up-to-date (ie < 5 years old) local plan is not in place or the replacement plan has not reached Regulation 19 stage within that period, land may be released from the Green Belt through the DM process in accordance with the policies set out in the NPPF for releasing land through the policy-making process. This would be a reasonable position and one designed to remove the current potential for inaction in plan making by Green Belt authorities because of the protection they currently receive from the existing NPPF paragraph 11 and footnote 7.</p>
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?	No. Planning policies for the release of Green Belt land should not just apply to housing.
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?	It would appear to be reasonable that the same considerations apply to traveller sites, as to other forms of housing. The same levels of services will need to be accessed by inhabitants and so sustainability (such as proximity to local services and centres) will still be a key factor in locational decisions.
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?	The assessment of need should be approached in the way that it currently is, and POS does not propose any changes in this regard. Traveller housing need is likely to be such a minimal component of overall housing need that to require a full Green Belt review to be undertaken purely to meet traveller need is disproportionate. In that situation it would be more appropriate to require local authorities to conduct a bespoke exercise to identify sites for traveller need for inclusion, if necessary, in a proposed revision of the Green Belt boundary through the new Local Plan.
34	Do you agree with our proposed approach to the affordable housing tenure mix?	Yes

35	<p>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?</p>	<p>Yes. The correct value of Green Belt land is its EUV as any realistic hope value must be close to zero given the planning policy position: “the essential characteristics of Green Belts are their openness and their permanence” – NPPF para 142.</p> <p>The approach set out in the new NPPF Annex 4 has merit. With respect to the proposed BLV we note that the recommendation in the Oliver Letwin Review of using a standard uplift of a maximum of 10 x EUV referred to all new housing sites, not just those in the Green Belt. Therefore, such non-Green-Belt sites would have legitimate hope value expectations, hence the scale of his recommendation. Given that a piece of land in the Green Belt can have no reasonable hope expectation (as national policy requires it to be kept permanently open) the EUV+ in Annexe 4 should therefore be considerably lower than 10 x EUV and POS would therefore urge Government to look at a BLV of 3 x EUV</p> <p>However, POS considers that there is a better approach that will clearly signal the way the planning system expects this area (Green Belt release) to be managed by the planning system. The policy should just say that for land to be considered as “Grey Belt” and be eligible for development or otherwise released for development, it must provide 50% affordable housing (if it’s a housing development) and deliver other necessary infrastructure requirements. Given that we are leveraging land value uplift to fund planning gain (affordable housing and supporting infrastructure) it shouldn’t matter what the BLV is as long as the planning gain is provided.</p> <p>Housebuilders and other commentators have suggested that this approach will prevent sites coming forward where landowners have (unrealistic) expectations of achieving higher land values. Our proposals for CPO reforms (https://www.planningofficers.org.uk/uploads/POS%20MBP7%20CPO.pdf) will address this, particularly if a Compulsory Selling Order procedure is put in place. It is likely that the mere threat of using such a power will be enough to change recalcitrant landowners’ strategies and land will be released for development.</p> <p>It should be remembered that there are some very low value areas where, even with this recommended policy narrative in place, 50% affordable housing provision would still not be viable. It is therefore necessary for provision to be made for clear exceptions but on a locational, rather than site specific, basis.</p> <p>It should also be clear in new NPPF policy that where there is evidence of the nature of local affordable housing need in an area (such as in a SHMA) that can be taken into account by the LPA in framing the housing need requirement for individual sites and proposals.</p>
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36	Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?	No. There will be times where this is the right approach, but there will be other situations where there is already sufficient publicly accessible green space and providing more is not necessary or other reasons suggest a different approach. It is unclear why a decision to release land within the Green Belt should result in that development being treated differently from any other land released for the same development type. This places additional hurdles in the way of dealing with these developments and is certainly likely to increase legal challenges, particularly from local objectors.
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?	Yes, see answer to question 35 above.
38	How and at what level should Government set benchmark land values?	Yes, see answer to question 35 above.
39	To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?	POS broadly agrees with this approach. It is vital that national policy is clear about expectations to avoid the market operating in a way that frustrates the delivery of planning policies. See our introductory comments on viability.
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?	Agreed.
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?	Viability Appraisals are works of fiction: they are attempts to predict the future and therefore cannot be treated as factual. Late-stage reviews are important to ensure that real-world, open-book values and costs are used to make the final decision around viability where planning policies have not been met at the application stage. However, the disadvantage, in the context of affordable housing, is that the opportunity to provide it on site is usually lost. There is also the challenge of converting the value of an on-site provision of affordable housing into an equivalent commuted sum. Advice in the PPG around this would be very helpful.

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?	Golden Rules (a) and (c) both relate to housing development. It would appear that (b) already applies to all development.
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?	<p>The principles behind these rules (that where land values are low appropriate "planning gain" should be deliverable from a viability point of view) are already part of the system – the advice in the PPG following Parkhurst makes this very clear. These are not essentially new rules but the clear articulation of existing principles in a Green Belt release context.</p> <p>POS does not therefore see that there is a justification for any transitional arrangements and specific developments at an advanced stage need to argue their case on their merits in the context of existing viability advice in the PPG. To have transacted land at very high values that took no account of planning policy requirements would have been wrong (the Parkhurst case establishes this beyond argument) and therefore the NPPF Green Belt changes do not trigger any need to address those errors. The system is already set up to do that.</p> <p>Sites that are stalled because of these failures can be resolved through the CPO/CSO changes that POS are seeking (see summary in question 45 below).</p>
44	Do you have any comments on the proposed wording for the NPPF (Annex 4)?	Yes, see answer to question 35 above.
45	Do you have any comments on the proposed approach set out in paragraphs 31 and 32?	<p>POS supports this approach and considers that reform of the CPO process is overdue. We have set out our proposals in https://www.planningofficers.org.uk/uploads/POS%20MBP7%20CPO.pdf.</p> <p>Essentially, we are seeking: a specific CPO power to deal with stalled housing sites, a new Compulsory Selling Order procedure and reforms to the compensation regime. POS is concerned that the Government's proposals for "no hope value" compensation is vulnerable to Human Rights challenges. We propose an alternative that addresses those concerns and still ensures that the CPO Scheme is deliverable. What we are suggesting is that there should only be two compensation options available to CPO land/property owners: existing use value or (if the owner considers that there is a higher hope value) a residual land value appraisal based on the CPO scheme.</p>
46	Do you have any other suggestions relating to the proposals in this chapter?	No

Chapter 6 – Delivering affordable, well-designed homes and places

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. Most LPAs already do this in setting their criteria for tenure mix within affordable housing policies.
48	Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?	Yes, and it is an extremely important and welcome change to assist in meeting the more sever forms of housing need.
49	Do you agree with removing the minimum 25% First Homes requirement?	Yes, and it is an extremely important and welcome change to assist in meeting the more sever forms of housing need.
50	Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?	Our position has always been that an affordable purchase product is a useful tool for LPAs to use where their local circumstances require one. It should not be universally imposed, and POS welcomes its removal as a compulsory requirement.
51	Do you agree with introducing a policy to promote developments that have a mix of tenures and types?	Yes, most LPAs already seek this. However flexibility should still be there for LPAs (not developers) as in some cases (such as extremely high-value locations) off-site provision or a commuted sum can produce significantly better affordable housing outcomes.
52	What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?	The key to this is viability. The subsidy needed is generally more than 50% for social rent, whereas for intermediate product it is far less than 50% and can be as small as 20%.
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?	POS does not consider that this can be prescribed as there are a wide range of factors at play. Cautious advice to LPAs is required, not proscriptive policy.
54	What measures should we consider to better support and increase rural affordable housing?	POS considers that the rural exceptions policy works well and provides valuable affordable housing where Parish Councils are proactive. We question whether this is a planning problem or a local political leadership problem.
55	Do you agree with the changes proposed to paragraph 63 of the existing NPPF?	Yes
56	Do you agree with these changes?	Yes

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?	Our caution is that the current policy of limiting affordable housing to a registered provider means that there is then a body of legislation that safeguards the affordable housing provision and simplifies the s106 process because the LPA can rely on those legislative protections and does not have to incorporate them into the legal agreement. POS would suggest that the solution lies in making it easier for community-led developers and almshouses to become registered providers, rather than amending the NPPF definition and adding considerable complexity to the planning process in dealing with them as unregulated affordable housing bodies.
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?	<p>LPA resources are in a perilous state. Identifying small sites involves a considerable amount of work and any objective cost-benefit analysis would conclude that it is not an efficient and effective approach.</p> <p>In particular, the present situation where every site allocation must be justified and defended at local plan examination means that scarce resources are tied up for very limited benefits. A better approach would be to have NPPF policy which says that provided there is an adequate buffer (say 10%) to cover any sites which in the event do not come forward, it will not normally be necessary for Inspectors to test the deliverability of small sites at local plan examination. This would reduce the amount of work involved in plan making and release resources for other important matters.</p> <p>LPAs have traditionally used a criteria-based policy approach. Better LPAs have developed SPD to set out clear guidance for small infill and redevelopment sites in suburban areas. One of the best examples was the award-winning LB Croydon's Suburban Design Guide SPD. Unfortunately the new Croydon Mayor took the decision to revoke it.</p> <p>Government should look at best practice and consider what national advice could assist in helping SME builders to perform better in this area.</p>
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
60	Do you agree with proposed changes to policy for upwards extensions?	Yes
61	Do you have any other suggestions relating to the proposals in this chapter?	Whilst it is set out clearly in the rest of the NPPF that new development must be of a high quality, it is worth emphasising that in the context of Green Belt releases, whether through plan making or decision taking.

Chapter 7 – Building infrastructure to grow the economy

62	Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?	<p>The marked-up consultation version of the NPPF has had its numbering disturbed and the paragraphs referred to are now numbered 85b and 86.</p> <p>POS agrees with the wording other than pointing out that not all LPAs will have these uses within their areas and the policy should be caveated with wording along the lines of, where demand exists or where evidence demonstrates a need. Furthermore, the current Permitted Development Rights and Use Classes Order undermine the ability of LPAs to achieve the wider objectives of supporting and growing the economy. POS looks forward to the new Government rescinding these provisions so the system can operate as the NPPF requires it to.</p>
63	Are there other sectors you think need particular support via these changes? What are they and why?	No, para 85c would cover any other types of business development of regional or national significance.
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?	<p>Yes – this is critical infrastructure that is important for the nation. Any change should identify which is the relevant Secretary of State for such requests for digital infrastructure. POS recommends that these requests (and other s35 requests) should be coordinated through the MHCLG Planning and Infrastructure Team to ensure oversight and consistency of approach? This would also provide an opportunity to have a complete list of such S35 requests. MHCLG, when dealing such requests, should consider the capacity and capability of the LPA to deal with the matter as a planning application.</p>
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?	The text in the required amendments to S35 should be accompanied by an Advice Note hosted by PINS providing guidance to developers and local authorities on this matter.
66	Do you have any other suggestions relating to the proposals in this chapter?	No

Chapter 8 – Delivering community needs

67	Do you agree with the changes proposed to paragraph 100 of the existing NPPF?	<p>The marked-up consultation version of the NPPF has had its numbering disturbed and the paragraph referred to is now numbered 99.</p> <p>POS agrees with the added wording whilst noting that delivery will be reliant primarily on the private sector to accomplish.</p>
68	Do you agree with the changes proposed to paragraph 99 of the existing NPPF?	<p>The marked-up consultation version of the NPPF has had its numbering disturbed and the paragraph referred to is now numbered 98.</p> <p>POS agrees with the added wording whilst noting that delivery will be reliant primarily on the private sector to accomplish.</p>
69	Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?	<p>The marked-up consultation version of the NPPF has had its numbering disturbed and the paragraphs referred to are now numbered 113 and 114.</p> <p>POS supports the ambition behind the changes. Its achievement will be dependent on the proper resourcing of highway/transport authorities, making funding available to transport bodies to support the delivery of the ambition and for there to be greater engagement between LPAs and highway/transport authorities in developing that vision-led approach. Some consideration of proportionality should be included recognising that the changes proposed in paragraph 114 apply not just to plan-making but also decision-taking and that the change sets a higher bar for small and medium sites which may not be realistic and therefore unachievable.</p> <p>Greater clarification as to the meaning of “in all tested scenarios” would be welcomed.</p>

70	How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?	<p>The role of planning in this area is primarily related to the spatial distribution of development and amenities to enable healthy lifestyles to be achieved: encouraging walking and exercise through the physical layout of places.</p> <p>Whilst the LPAs who have put in place policies to restrict hot-food takeaways near schools are to be applauded, the licensing regime is the public administrative tool that is best placed to deal with this issue. Our discussions with licensing bodies suggest that that sector strongly supports the expansion of licensing into this area.</p> <p>Planning is not the right public administration tool to deal with these issues. Such planning policies cannot deal with existing hot food takeaways or all the other outlets selling unhealthy food (bakers, sweetshops/newsagents, supermarkets etc). Furthermore, how is an LPA to deal with an application for a hot-food takeaway that demonstrably has a healthy menu? Do we refuse because of a blanket policy or are we now controlling the menus in those outlets? That is not what planning is for – we must stick to the knitting as we do not have spare resources, quite the opposite.</p> <p>Health is clearly a legitimate consideration for planning, and, in a complex system, it has a role to play in ensuring public health, but it does not make sense to try and control all those issues through planning alone when there are other public administrative regimes that are better placed to control matters such as dark kitchens and healthy menus.</p>
71	Do you have any other suggestions relating to the proposals in this chapter?	No

Chapter 9 – Supporting green energy and the environment

72	Do you agree that large onshore wind projects should be reintegrated into the s NSIP regime?	Yes
73	Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?	Yes
74	Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?	Yes
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. It should stay at 50MW – the NSIP route is generally the quickest and the least risky route for LPAs, who may be faced with planning appeals and legal challenges. There is also the added costs burden to the taxpayer. Whilst an LPA can apply under S35 to make a project an NSIP, POS nevertheless considers that the threshold should stay the same.
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?	Ditto re answer to question 75 – LPAs are facing numerous solar farm applications at present – some of which are just below the 50MW range and are burdensome on their resources.
77	If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?	N/A
78	In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?	Much of what planning is required to deliver through current policy responds to the need for climate change mitigation and adaptation. However, the continued relaxation of permitted development rights, for example, can undermine the efforts being undertaken in this area. As an example, the increased flexibility for householder development results in more land being covered by buildings which reduces land available to absorb rainwater, provide for local biodiversity and limit urban greening opportunities. Some of these impacts have been identified in the recently published report on a Climate Resilience Review commissioned by the Mayor of London.

79	<p>What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?</p>	<p>POS fully supports the need to move to a zero-carbon society. Considerable technical work has been done by LETI, (https://www.leti.uk) and there is no reason why this cannot simply be transferred into a regulatory framework. In addition, work by RICS on the three levels of carbon accounting – for construction, during use, and caused by access, is a sound basis for a single method for carbon calculations which is essential and needed immediately. This will help reduce the burden on public sector planners because the assessments will be standardised and therefore quicker and easier to apply.</p> <p>https://www.rics.org/profession-standards/rics-standards-and-guidance/sector-standards/construction-standards/whole-life-carbon-assessment.</p> <p>There is then an important decision to be made about which aspects of regulating carbon fit within which regulatory systems. The carbon emissions from the use of the building are logically for building control. But access considerations are in part a matter of strategic planning and the location relative to public and active travel infrastructure. The question of whether to construct a replacement building or refurbish it is a matter for the planning system, but where new buildings are being constructed, and that question does not arise, it is a matter for the Building Regulations.</p> <p>There are other issues that need to be taken into account as well, such as the extent of development that can be brought forward without the need for planning permission and how that is not a “carbon loophole”.</p>
80	<p>Are any changes needed to policy for managing flood risk to improve its effectiveness?</p>	<p>At present managing flood risk is undertaken on an LPA administrative boundary basis. This approach does not reflect the strategic nature of flooding and the need for a strategic response to managing flood risk, including through the need to take a holistic and integrated approach to upgrading flood defences. An example of the challenges and responses to managing flood risk at a strategic level are articulated in the Thames Estuary 2100 Plan. Making this more explicit in paragraph 24 and new paragraph 27(a) would help to strengthen the ability to engage strategically on this critical issue, which will have impacts on both existing and future communities and businesses, and impact on the availability of housing land in areas that are, or will be, at risk of flooding.</p>
81	<p>Do you have any other comments on actions that can be taken through planning to address climate change?</p>	<p>POS is pleased that the consultation acknowledges the importance of climate change, and it is assumed that there will be another consultation, imminently, to tackle this issue. Precious time has been lost with the confusion of ministerial statements undermining the legal position. In the short term, a Written Ministerial Statement clarifying the current law on the potential for planning in this field would be a “quick win” and allow for the culture to begin to shift towards this issue being front and centre of all decisions. But that must not be an excuse not to then do what is needed (see answer to 79) in mapping out what parts of carbon accounting fit within existing regulatory regimes, and how they may be modified as necessary to ensure there are no areas where things fall between in the gaps, based on a standard carbon accounting and assessment system.</p>

82	Do you agree with removal of this text from the footnote?	The amendments to the footnote to paragraph 181 are supported for the reasons set out in the consultation.
83	Are there other ways in which we can ensure that development supports and does not compromise food production?	<p>POS would point out that we are not aware of any national estimates that have been undertaken as to whether our stock of Best and Most Versatile agricultural land is sufficient to meet the nation's need or otherwise. Planning policies should be evidenced based and the national policy protecting agricultural land should be underpinned by an understanding as to what we need as a nation to ensure food security. Only then can we decide what policies we need so that we do not compromise food production.</p> <p>Furthermore, there is a need to recognise the role that, for example, the glasshouse and polytunnel industry plays in food production which may not fall within the above definition and, in some places, could fall within the new "Grey Belt" definition. This part of the food production sector can often operate on very small margins of profitability making re-development for other purposes attractive. Consideration of the importance of this sector of the agricultural industry and the need to protect it must be undertaken to avoid unintended consequences, including undermining the country's food security. In addition, as climate change unfolds, the glasshouse/polytunnel industry can provide a more resilient source of food given its ability to create a microclimate.</p>
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. A National Policy Statement (NPS) should be prepared on water provision having regard to the 5-year business plans the water companies are required to prepare. These business plans identify strategic scale projects and from this it should be possible to determine the appropriate thresholds for NSIP scale development (always noting there is a S35 option).
85	Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?	The NPS should also deal with all aspects of water from collection to waste and potentially the disposal or development of sites for commercial purposes that have potential for use for new water infrastructure.
86	Do you have any other suggestions relating to the proposals in this chapter?	The issue of groundwater flood risk is becoming a key issue in many areas and needs to be addressed in the NPPF – see Review of groundwater flood risk management in England: https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/review-of-groundwater-flood-risk-management-in-england .

Chapter 10 – Changes to local plan intervention criteria

87	Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?	POS supports the intervention criteria set out in paragraph 8a, so long as these are determinants of support rather than viewed as determinants of the level of punishment that may be applied. POS also welcomes the ability for LPAs to put forward any exceptional circumstances and be given the opportunity to explain why they are in the situation they are in (eg lack of resources, problems with statutory consultees responding/supporting etc) to allow a more positive and productive intervention process. There should also be very clear stages to interventions so that LPAs know exactly what is needed and what the Government's response is going to be at each stage.
88	Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?	POS does not support this approach as it would create uncertainty regarding when intervention powers may be used and may result in inconsistency.

Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

89	Do you agree with the proposal to increase householder application fees to meet cost recovery?	Yes
90	If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.	N/A
	If Yes, please explain in the text box what you consider an appropriate fee increase would be.	PAS holds data that should enable an estimate of what fees should be to achieve average cost recovery for all planning fee types. LPAs should be able to set their own fees where they can demonstrate the need for a different fee to achieve cost recovery.
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
	If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.	N/A
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.	Applications for Prior Notification approval are set at a particularly low level. When first introduced (for agricultural and telecommunications PDR) there was a (misplaced) view that it was a procedure that was simpler than a planning application and involved less work. PN is now used for quite complex PDR where the work involved is clearly just as extensive as an equivalent application for planning permission and in many cases more so because the LPA must additionally check the PDR eligibility criteria has been met. These fees should at least be the same as the equivalent application for planning permission.
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.	There are a wide range of application types (as set out in the consultation) for which no fee is charged. The justification is that people do not have a choice in making such applications (eg because their tree is preserved, or property is listed). However nobody has a choice if they want to do something that needs a consent; they must make the appropriate application, which in most cases attracts a fee. The view of POS is that all applications should attract a fee that is designed to achieve full cost recovery. These types of applications also often commit the LPA to significant costs through the requirements for publicising applications (newspaper notices). See answer to question 102 below.

94	Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?	Yes
	Please give your reasons in the text box below.	LPAs have been disproportionately impacted by public sector austerity policies over the last 10-15 years: in that time corporate funding of planning services has been cut by over 50%. Responsible developers are on record as saying that they are willing to pay more for a good planning service (in fact it was their lobbying that secured the last application fee increase) and many have done so through pre-application charges. The time has come to charge a planning application fee for all application types and to set those fees nationally at a rate that achieves cost recovery on average, with the ability of individual LPAs to set different fees locally if that proves to be necessary, again based on cost recovery and policed through the existing safeguards in the Local Government Act.
95	What would be your preferred model for localisation of planning fees?	Local Variation – Maintain a nationally-set default fee and giving LPAs the option to set all or some fees locally.
	Please give your reasons in the text box below.	To require all LPAs to go through the process of setting their own fees is a significant extra administrative burden. Setting a national default fee (that should be designed to achieve cost recovery on average) with the ability to set a different fee locally is the best option.
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?	<p>POS has set out proposals for how fees relating to enforcement activity could be increased to fund that service: https://www.planningofficers.org.uk/uploads/pdf/POS-MBP11-Enforcement.pdf.</p> <p>Plan making is of course essential to a well-functioning DM service and cost recovery could be achieved through an increase in application fees to proportionately cover the cost of the spatial planning service. This should be applied as a % uplift across all fees.</p>
97	What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?	<p>See above: enforcement and planning policy are the principal ones.</p> <p>There is an increasing trend for statutory consultees to make charges for their advice. It would be helpful to have clarity on the circumstances where this can occur. It would also be beneficial to hold these organisations to account for their performance in responding to consultations. Often an LPA is not able to determine applications because of the absence or lateness of this advice, yet the LPA is held accountable through the planning guarantee.</p>

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. This should be full recovery for all the council services directly and indirectly involved.
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.	<p>DCOs can involve a wide variety of local authority services in both upper and lower tier authorities, the costs of which the local authority should be able to recover. In addition, the local authority may want to financially support local community groups to enable them to properly engage with the process. From POS's experience there is also a need for continuing engagement with the developer during the implementation of the project following DCO approval. The developer needs to fund a "Single Point of Contact" employed by the local authority who then provides support to both the developer as well as safeguarding local authority and community interests. In summary, the areas where local authorities incur costs which should be recoverable are:</p> <ul style="list-style-type: none"> • Pre application • Submission • Examination • Post decision • Monitoring <p>Currently there is no provision for NSIP applicants to pay local authorities a fee for making a DCO submission, nor any fee provision for discharging Requirements (planning conditions) or enforcing/monitoring of the development.</p> <p>The current advice is that any costs being sought should be negotiated separately through a PPA. The difference in scale of NSIP developments is such that there cannot be a "one size fits all" approach for funding. POS can provide examples of PPAs for NSIP proposals and would welcome the opportunity to engage with government on this matter.</p> <p>The NSIP regime is predicated on significant pre-application engagement. Local authorities must add VAT to such activity – this needs reviewing given the additional administrative burden collecting VAT represents. In two tier areas this must involve all "host" councils, unless there is a change in the 2008 Act. POS would recommend that if such a change is made, the lower-tier authority should generally be the host.</p> <p>Government should also consider funding for Town and Parish Councils affected by such proposals? The costs of the Examination are significant to a council and often require specialist legal representation. If appropriate, the local authority should be able to waive any fees if a comprehensive PPA has been made.</p>
100	What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?	The principles of cost recovery is well-established for Building Control, and the same Regulations could be used for planning.

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.	When full cost recovery is achieved, Regulations will enforce ring-fencing that money to planning services. If partial cost recovery is the position and planning services require top-up funding from the Council, ringfencing is not possible because there are no controls over the corporate funding element.
102	Do you have any other suggestions relating to the proposals in this chapter?	There is an urgent need to look at the requirements for publicising planning applications (particularly in newspapers) which is arcane, inefficient and unnecessarily expensive. It also potentially slows down the processing of planning applications. In a digital age, the requirement to use newspapers is outdated.

Chapter 12 – The future of planning policy and plan making

103	Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?	<p>POS welcomes the transitional arrangements to avoid the need for well-progressed plans to be abandoned, and significant resources consequently being wasted, but would like to see the timescales amended to set out a specific date (in paragraph 6) for when the transitional timescales will be applied. There is uncertainty with stating “one month after the revised framework is published”. Presently, LPAs are unclear when the framework will be published and therefore cannot accurately assess whether these arrangements will apply to them.</p> <p>POS would also encourage the government to exercise flexibility with the timescale as stated, especially where approval procedures at LPAs are a major contributing factor to the transitional arrangement being met or where matters could reasonably be resolved and to do so would only take the plan slightly over the deadline.</p> <p>POS strongly supports the government's offer in paragraph 3 to support LPAs in getting new plans in place as quickly as possible.</p> <p>POS strongly supports the proposal in paragraph 9 that where an operative SDS is in place that is less than 5 years old that it will continue to provide the housing requirement for relevant emerging local plans. This will avoid abortive work on local plans already in the pipeline.</p>
104	Do you agree with the proposed transitional arrangements?	<p>POS supports the extension to progress plans under the current system, but it is unclear whether this applies to plans which are already at Regulation 19 stage or will be at Regulation 19 stage within one month of the new NPPF being published. Clarification is therefore required. It would also be helpful to set out examples of what type of planning document would fall under this scenario.</p>
105	Do you have any other suggestions relating to the proposals in this chapter?	<p>It would be helpful to set out whether the new Standard Method figure would be applied in respect of 5-year housing land supply and Housing Delivery Test during the transition period (ie where a plan is proceeding under the existing NPPF and has been submitted for examination).</p>

Chapter 13 – Public Sector Equality Duty

106	Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?	No
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