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## Hearing Statement – Matter 4C

Subject: Chichester District Council Local Plan Examination  
Matter: Matter 4C – Housing  
Date: September 2024  
Client: Artemis Land and Agriculture Ltd

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## A. MATTER 4C – HOUSING

1. This Hearing Statement has been prepared by DLBP Ltd, on behalf of Artemis Land and Agriculture Ltd, in response to Matter 4C (Housing) of the Inspectors' Matters, Issues and Questions, specifically questions 64, 65, 68, 69, 70, 71 and 74.

### Question 64

2. Question 64 regards Policy HI, and is repeated as:

*Policy HI Meeting Housing Needs sets a housing requirement for the full plan period 2021 – 2039 of at least 10,350 dwellings. This is below the local housing need for the area as determined by the standard method.*

*The justification for the proposed provision of 535 dpa in the southern area has been considered under Matter 4A Transport. Is the proposed figure of 40 dpa in the northern part of the plan area justified?*

3. The proposed figure of 40 dpa in the North of the Plan area is not justified.
4. Paragraphs 3.21 to 3.27 of the draft Local Plan set out the rationale for the proposed low level of growth. This is summarised as:
  - conserving the rural character of the area, including its landscape and environment, is a key objective, and higher levels of growth were ruled out because of the potential harmful impacts on these (paragraphs 3.21 and 3.24); and
  - accessibility to services and facilities is a particular issue for this area, with residents having to travel significant distances for many facilities (paragraph 3.22).
5. These judgments are inconsistent with the SA evidence. None of the scenarios specifically test a 40 homes per year scenario (720 homes over the plan period). The Council says that a “blend” of scenarios 1 and 2 reaches the 40 homes per year. As set out in our response to Matter 1, there is a disconnect between the scoring of the scenarios, how each scenario and Crouchlands Farm has been assessed by the plan-maker, and how the blend of scenarios 1 and 2 has been concluded.
6. Paragraph 5.2.11 of the SA says that limiting growth in the North of the Plan area to 40 dpa is due to “wide ranging planning reasons”. See DLBP’s response to Matter 3, question 13.
7. The July 2024 consultation version of the National Planning Policy Framework should also be considered. Paragraph 227 of this states that:

*Where paragraph 226 c) applies, local plans that reach adoption with an annual housing requirement that is more than 200 dwellings lower than the relevant published Local Housing Need figure will be expected to commence plan-making in the new plan-making system at the earliest opportunity to address the shortfall in housing need.*
8. The draft Local Plan proposes a shortfall of 1,134 homes over the plan period against the current local housing need figure. The proposed standard method would increase

Chichester's housing needs, across the whole of the District (including the North of the Plan area), from 760 dpa (before subtracting the South Downs National Park area) to 1,206 dpa (paragraph 5.10 of the Chichester Development Plan and Infrastructure Panel minutes, 21 August 2024, Appendix 1). If this change to the Framework is made, a new Local Plan will need to be prepared immediately. To make this easier and reduce delays with that future plan, we recommend that housing provision is increased as much as possible through the inclusion of additional sites, particularly in the North of the Plan area that is not affected by the A27 constraints.

9. Limiting growth in the North of the Plan area to 40 dpa is not justified, and the plan has not been positively prepared to meet the needs of the District's current and future residents.

### Question 65

10. Question 65 has regard to Policy HI, and is repeated as:

*Would the adverse impacts of the Plan not providing for objectively assessed housing needs significantly and demonstrably outweigh the benefits of doing so when assessed against the policies in the NPPF taken as a whole? That is to say is the overall housing requirement justified?*

11. Paragraphs 5.1, 5.29 and 5.3 of the Housing Need Background Paper confirms the Council's position that the plan cannot meet the development needs of the area because paragraph 11(b)(ii) of the Framework applies solely because the adverse impacts on the highway network would significantly and demonstrably outweigh the benefits of meeting the full local housing need.
12. The A27 capacity constraints do not affect the North of the Plan area. Thus, there is no highway network reason why higher growth cannot be accommodated in this area.
13. The Council appears to suggest, for example at paragraph 5.24 of the Housing Need Background Paper, that there would be unacceptable impact on the rural North of the Plan area because of a higher level of growth in this area than proposed in the draft Local Plan.
14. But it is important that this is not specified as a reason for engaging paragraph 11(b)(ii) of the Framework as the Council knows that the perceived, and limited, impact on the rural area would not significantly and demonstrably outweigh the benefits of providing housing.
15. The principal negative impact of the draft Local Plan not being positively prepared to meet the needs of the existing and future residents of the District is that the lack of new housing will make the existing affordability crisis worse.
16. In 2023, Chichester's affordability ratio figure was 13.5 vs. an English average of 8.3. Outside of London, Chichester is the twelfth most unaffordable Local Authority area in England<sup>1</sup>. Paragraph 5.2.15 of the SA states:

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<sup>1</sup> ONS – Housing Affordability in England and Wales, 2023

*Affordability is worsening, with median house prices in the district now 14 times the median earnings of those working in the district, and there is also a need to consider affordable and specialist housing needs.*

17. This in turn leads to:
- overcrowding of existing homes and poorer living conditions for existing residents;
  - negative mental health impacts;
  - reduced ability to access life opportunities;
  - increased spending on healthcare resulting from poor health from poor housing / living conditions;
  - above inflation increase in private rents, particularly in the lower quartile, worsening affordability;
  - lack of local choice leading to out migration and increased / longer commuting; and
  - ultimately, increased homelessness.
18. The SA confirms that leaving housing needs unmet will have a **significant negative effect**, particularly in the context of the wider sub-regional unmet need (paragraph 9.15.2). For example, adjacent Horsham District has recently submitted its plan with a shortfall of 2,275 homes; and adjacent Havant has also indicated that its shortfall will likely be approximately 4,000 homes. Unmet need at a sub-regional level also increases the need for affordable housing.
19. The inclusion of a new Policy MI (amendment CM379) to 'Review the Local Plan' is further demonstration of the Council's admission that not meeting its housing need is unacceptable and unsound. Policy MI does not remedy the unsoundness of the Local Plan because:
- there is no justification for postponing the problem to a review when there is no timescale or evidence explaining how and when circumstances will change to enable the housing need to be met; and
  - the track record definitively shows that postponement of meeting housing need does not enable its resolution, quite the opposite. The adopted Local Plan (2015) also had a housing requirement below local housing need and included a commitment to review within five years to ensure the area's full local housing need would be met. The promised review did not happen within the five years, and the effective review, by way of the current emerging Local Plan is, again, proposing not to meet the assessed need.
20. Chichester is intent on postponing meeting its need indefinitely.
21. Thus, in the context of paragraph 11(b)(ii) of the Framework, the Council does not have evidence to justify not meeting (or at the very least closing the gap to seek to meet) its local housing need. The draft Local Plan has not met the test of the soundness.

## Question 68

22. Question 68 has regard to Policy HI, and is repeated as:

*Are the components of the overall housing land supply set out in Policy HI (as updated in BP07 Housing supply background paper) justified?*

**[...] What is the compelling evidence that windfall sites will make the anticipated contribution to housing land supply over the plan period?**

23. Paragraph 3.36 of the Housing Supply Background paper states that there is “a combined windfall allowance of 60 dpa from 2026/2027, totalling 720 dwellings over the plan period.” - minor windfall allowance of 54 homes per year (Paragraph 3.33) and 6 homes per annum for major windfall (paragraph 3.35).
24. Whilst we note the Council’s evidence for past windfall development completions set out in the Housing Supply Background Paper, this is not disaggregated into the separate South and North of the Plan areas. There is therefore no compelling evidence to support the suggested level of supply for the North of the Plan area.

## Question 69

25. Question 69 has regard to Policy HI, and is repeated as:

*Will there be a five-year supply of deliverable housing sites on adoption of the Plan?*

26. No, based on Emery Planning’s below evidence.
27. Table 18 of BP07 claims that the projected deliverable supply at 1 April 2024 will be 3,108 dwellings, which against the five year requirement of 3,019 dwellings (i.e. 575 x 5 + 5% buffer) equates to 5.15 years. This is “headroom” of just 89 dwellings. The Council’s claimed deliverable supply of 3,108 dwellings at 1 April 2024 should be considered within the context of a claimed deliverable supply of just 2,661 dwellings at 1 April 2023 (CD07 – page 4), which has itself been reduced to 2,543 dwellings in its evidence at two recent appeals (3341520 – Stubbcroft Farm and 3344663 – Crouchlands Farm). However,
- as we have already set out, the proposed 575 dwellings per annum does not meet the local housing need. Once the requirement is increased to address local housing need, a 5YHLS cannot be demonstrated;
  - the Council’s predicted position relies on an assumption that 607 dwellings were completed on sites in 2023/24. Paragraph 5.4 of BP07 states that the position will be updated when the actual completions in 2023/24 are known. The Council’s 5YHLS position statement (CD07 – page 16) however considers that 634 dwellings will be delivered on 2023/24;
  - the actual number of completions in 2023/24 will affect the 5YHLS. For example, at site O075 – North Side of Shopwhyke Road – Page 23 of BP07 states that 60 dwellings are expected in 2023/24, leaving 93 dwellings in the 5YHLS at 1 April 2024. However, the average build rate on this site has been 72

dwellings per annum. If more than 60 dwellings were delivered in 2023/24, the 5YHLS from this site would be reduced. We therefore respectfully request the opportunity to comment further once the completions data has been published;

- on the supply side, Appendix A of BP07 explains that 310 dwellings are included in the 5YHLS on 5 sites which only have outline planning permission for major development (pages 27-28). These sites fall within category b) of the definition of deliverable. These sites are not deliverable unless there is clear evidence for their inclusion in accordance with the definition of deliverable in the Annex on page 69 of the Framework. Indeed, the Council's current 5YHLS Position Statement (CD07 – page 23) does not consider these 5 sites are deliverable at 1 April 2023. Reference is made in BP07 to Statements of Common Ground (SoCG) and Planning Performance Agreements (PPAs), but these have not been provided in the evidence base. Once the evidence the Council relies on has been provided, we respectfully request the opportunity to comment on them and whether they should be considered as clear evidence for these sites to be considered deliverable at 1<sup>st</sup> April 2024;
- clear evidence must also be provided for the 4 allocated sites listed in Appendix A of BP07 (pages 30-32);
- in relation to the Tangmere SDL site (BP07 – page 31), Inspectors have concluded that in the absence of clear evidence this should not be included in the 5YHLS (e.g. 3286315 – west of Church Road, West Wittering – 22<sup>nd</sup> April 2022). The Council does not consider this site is deliverable in its 5YHLS position statement at 1 April 2023 (CD07 – page 14). However, the Council now claims again that it is deliverable at 1 April 2024 and 25 dwellings should be included in the 5YHLS. In the absence of clear evidence it should not be included in the 5YHLS;
- in relation to the West of Chichester SDL Site Phase 2 (BP07 – page 30), the Council includes 386 dwellings in the 5YHLS from 1 April 2024. However, the Council's evidence for two current appeals (3341520 – Stubbcroft Farm and 3344663 – Crouchlands Farm) is that only 150 dwellings should be included as deliverable from 1 April 2023. Indeed, the evidence from the developers involved in this site is that only 150 dwellings should be included as deliverable from 1 April 2024 (32 dwellings in 2027/28 and 118 dwellings in 2028/29). This is because only 150 dwellings can be occupied before the Southern Access Road is produced and there are also ownership issues. This means at least 236 dwellings should be removed from the Council's 5YHLS at 1 April 2024 from this site; and
- for the East of Chichester site (BP07 – page 35), the Council must provide clear evidence that 30 dwellings should be included in the 5YHLS at 1 April 2024. The Council must also provide clear evidence for the inclusion of 114 dwellings at Graylingwell (BP07 – page 23), which only have outline permission and are held up by nutrient neutrality issues.

## Question 70

28. Question 70 regards Policy H1, and is repeated as:

*Would at least 10% of the housing requirement be accommodated on sites no larger than one hectare to be consistent with NPPF 69?*

29. There is inconsistency with paragraph 69 as there will not be a supply of specific, deliverable sites for five years following the adoption of the plan. This is despite the Council's own Housing and Economic Land Availability Assessment identifying Crouchlands Farm as an available site yet it not being included as a proposed site to help bridge the gap between the objectively assessed need and the Council's proposed housing requirement (shortfall of 1,134 homes).
30. Table 15 of the Housing Supply Background Paper shows that the Council expects only 1,179 homes to be delivered on sites of less than one hectare. This figure includes likely supply from windfall sites. This is inconsistent with paragraph 70 of the Framework which states that the 10% should be on land identified in the plan. If removing those sites, only 513 are on identified sites - a significant 819 shortfall.
31. The Council attempts to provide some justification by saying that 230 homes will be met through small site allocations in Neighbourhood Plans. This is not certain as there are several Neighbourhood Plans that have been made or consultation started (our response to Matter 6, question 254).

## Question 71

32. Question 71 has regard to Policy H2, and is repeated as:

*Were the proposed strategic housing locations/allocations selected on the basis of an understanding of what land is suitable, available and achievable for housing in the plan area using an appropriate and proportionate methodology, and are there clear reasons why other land which has not been allocated has been discounted?*

33. As explained in DLBP's response to Matter 1, reasonable alternatives have not been properly considered. As such, an appropriate and proportionate methodology has not been used and it is unclear as to why other land, such as Crouchlands Farm, has not been allocated.
34. The Council's Housing and Economic Land Availability Assessment (page 134) identified Crouchlands Farm as being suitable, achievable and available for rural enterprise-led development / residential mix of up to 600 homes (ID HPI009).
35. As set out within Section C of our representation to the Regulation 19 Public Consultation, there is a proposed development of up to 600 houses and supporting facilities, known as 'Rickman's Green Village' pending determination. Since our representation, the three planning applications have now been appealed and the inquiry will open on 1 October. The technical documents submitted with the appeals (APP/L3815/W/24/3344538, APP/L3815/W/24/3344661 and APP/L3815/W/24/3344663) demonstrate that the site is suitable, available and achievable for housing. The majority of, if not all, homes would be deliverable within the plan period.

## Question 74

36. Question 74 has regard to Policy H3, and is repeated as:

*Is the statement in the last paragraph of the policy concerning what the Council would do in the event of demonstrable progress not being made in providing for the minimum housing numbers effective?*

37. The paragraph states:

*If draft neighbourhood plans making provision for at least the minimum housing numbers of the relevant area have not made demonstrable progress the council will allocate sites for development within a development plan document in order to meet the requirements of this Local Plan.*

38. An additional policy is also proposed via amendment CM379 - Policy M1 ('Review the Local Plan') echoes this.
39. Both Policies H3 and M1 are not measurable so cannot be monitored nor enforced. They are ineffective and unsound.
40. Given that a Development Plan document to allocate additional sites has not yet commenced work, there is no evidence nor certainty that a Development Plan document would be adopted within a reasonable timeframe. This is particularly considering this draft Local Plan being 4 years delayed.
41. Although paragraph 227 of the July 2024 consultation version of the National Planning Policy Framework would require local plans to be reviewed immediately where there is an annual housing requirement more than 200 dwellings lower than the relevant published Local Housing, until the revised Framework is published, this is uncertain.
42. Thus, the plan should not rely on a future Development Plan document that has not commenced.



## APPENDIX I – DEVELOPMENT PLAN AND INFRASTRUCTURE PANEL MINUTES, 21 AUGUST 2024

# Chichester District Council

Development Plan and Infrastructure Panel

21 August 2024

## Response to Government consultation on 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system'

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### 2. Recommendation

- 2.1 That the Development Plan and Infrastructure Panel consider and agree the attached response to the consultation questions for submission in response to the government consultation on 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system'**

### 3. Background

- 3.1 The previous Government ran two consultations in 2023 on the proposed changes to national planning policy and guidance which would be required alongside the Levelling-up and Regeneration Act (LURA). The July – October consultation included plan-making reforms to follow the Levelling-Up and Regeneration Act, but no feedback was published following the consultation.
- 3.2 This consultation, which will run from 30 July – 24 September 2024, is on the new Government's proposed approach to revising the National Planning Policy Framework (NPPF) and also seeks views on a series of wider national planning policy reforms.
- 3.3 The consultation can be found here: [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

3.4 In summary the consultation covers:

- Amending the NPPF:
  - making the standard method for assessing housing needs mandatory,
  - reversing the December 2023 changes to the NPPF,
  - implementing a new standard method calculation,
  - broadening the definition of brownfield land,
  - identifying grey belt land within the Green Belt
  - improving the operation of the presumption in favour of sustainable development
  - delivery of affordable, well-designed homes
  - wider changes to enable local planning authorities to prioritise the types of affordable homes their communities need
  - supporting economic growth in key sectors
  - deliver community needs to support society and creation of healthy places
  - support clean energy and the environment, including supporting onshore wind and renewables
- Increasing planning fees
- Local plan intervention criteria
- Thresholds for certain Nationally Significant Infrastructure Projects
- How and when the Government expect every local planning authority (LPA) to 'rapidly create a clear, ambitious local plan for high quality housebuilding and economic growth'.

3.5 The consultation document is set out in 15 Chapters, with 105 questions relating to the substantive content in Chapters 2 – 12 and one question on the Public Sector Equality Duty (Chapter 13). Chapter 14 provides a table of questions and Chapter 15 provides information about the consultation.

3.6 The consultation is accompanied by a tracked changes version of the NPPF [National Planning Policy Framework: draft text for consultation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/nppf-draft-text-for-consultation)

3.7 This report will also be considered by the Planning Committee on 11 September 2024.

## **4. Outcomes to be Achieved**

4.1 To influence the future national planning policy.

## **5. Proposal**

5.1. The purpose of this report is for the Council to provide an input to the consultation for consideration by government. Appendix 1 sets out the proposed responses to the consultation questions in full. The following highlights the key changes proposed and summarises the responses, using the consultation Chapter headings.

## Chapter 1: Introduction

- 5.2. The Introduction summarises the key drivers behind the proposed changes, which are focussed on the delivery of sustained economic growth to improve the 'prosperity of the country and living standards of working people'. It summarises the changes proposed (as set out in para. 3.4 of this report). It sets out that the changes to the NPPF would be made 'immediately' following the consultation. This implies that there is no timeframe allowed for consideration of consultation feedback, however, later in the introduction it states that the Government will respond to the consultation and publish NPPF revisions before the end of the year.

## Chapter 2 – Policy Objectives

- 5.3. This chapter provides more detail on the Government's policy drivers behind the consultation, which build on their manifesto commitments.

## Chapter 3: Planning for the homes we need

- 5.4. The proposals seek to reverse the December 2023 changes to para. 61 of the NPPF which amended the wording to set out that the 'outcome of the standard method is an advisory starting-point for establishing a housing requirement'. The proposals also go further and remove the wording which allows for exceptional circumstances which would justify an alternative approach to assessing housing need. The consultation does clarify that authorities may still be able to justify, if evidenced, a lower housing requirement than the standard method figure on the basis of local constraints on land and delivery, such as National Parks, protected habitats and flood risks areas.
- 5.5. The proposals also include removing the standard method 'urban uplift' by deleting para. 62 and deleting para. 130 which relate to uplifting density in urban areas unless it would result in out of character built form. The proposal is to strengthen expectations that plans should promote an uplift in density in urban areas. The proposal is also for localised design codes, masterplans and guides for areas of most change and potential, rather than district-wide design coding.
- 5.6. The presumption in favour of sustainable development is proposed to be strengthened with the reinstatement of the requirement to demonstrate a 5-year housing land supply at all times and to clarify that the policies that are most important for triggering the presumption are those for the supply of land (see amendments to para.11). An additional reference to the need to consider locational and design policies and those relating to affordable homes is also proposed. In addition to restoring the requirement for a 5-year housing land supply (5YHLS), the proposals include removal of the wording in para. 77 which allowed past oversupply to be set against upcoming supply.
- 5.7. The proposals include restoring the 5% buffer to the 5YHLS calculations and removing the policy on Annual Position Statements.
- 5.8. A key new proposal is that the Government is seeking to re-introduce strategic planning, which they propose to formalise in legislation. In the short term the changes include amending paras. 24 – 27 of the NPPF to include more detail on the matters for the Duty to Cooperate.

- 5.9. Appendix A sets out the draft responses to Chapter 3 questions, 1 – 14. Overall, the proposed response objects to the changes to paras 61 and 62 and seeks recognition that the constraints that can affect a LPA's ability to deliver a higher level of housing is retained. Alternative approaches to calculating LHN (Local Housing Need) should be allowed in certain circumstances and guidance on this should be provided. The return to a 5 year housing requirement for plans that are at an advanced stage of preparation is also of concern and is seen as likely to undermine plan led development. The response supports focussing design codes on supporting spatial visions in local plans. In relation to cross boundary and strategic planning matters the response supports the need for more effective cooperation and proposes that statutory strategic governance is needed for effective strategic planning – along the lines of previous regional and/or structure plans.

#### Chapter 4: A new Standard Method for assessing housing needs

- 5.10. Chapter 4 sets out the proposals for a new standard method for calculating housing need. This involves use of a baseline set as a percentage of existing housing stock levels, a stronger affordability multiplier and the removal of caps and additions. The outcome of the revised method has been published<sup>1</sup> and for Chichester District the figure is 1,206 dwellings per annum (compared to the current figure of 760). The number is for the local authority area but excludes any housing planned for by the South Downs National Park Authority (SDNPA) within Chichester District. The SDNPA are not obliged to provide housing provision within their plan for the part of Chichester District which the National Park covers, but have historically sought to do so by calculating the housing need of communities within the National Park on an alternative basis. Whatever number the SDNPA plan to provide for in areas of Chichester District covered by the National Park could then be subtracted from the requirement for a CDC Local Plan. So, the figure could be lower, but will still be significantly higher than currently. Currently the calculation of "local housing need" is calculated by taking household growth (per annum) over the next 10 years (based upon the 2014 household projections), which is then subject to an adjustment for affordability. This figure is then capped at 40% of the household need projections. For Chichester District, this results in a need of 760 dwellings (before you subtract the requirement proportion attributed to the South Downs National Park area (resulting in 635 dwellings per annum (dpa)).
- 5.11. Appendix A sets out the draft responses to Chapter 4, questions 15 - 19. Overall, the proposed response objects to the change to the baseline to use existing housing stock rather than population projections, and to the removal of the cap, whilst recognising that the method does need updating. The response supports changing the median house prices used for the affordability uplift to a 3 year average. The response questions whether the affordability uplift has the desired effect on house prices. The importance of infrastructure delivery to support new housing is emphasised. There are also concerns about how employment development would be delivered to meet the needs of a significantly higher housing figure – it would be impossible to deliver in the Chichester Plan Area.

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<sup>1</sup> <https://assets.publishing.service.gov.uk/media/66a8d6a20808eaf43b50d9a8/outcome-of-the-proposed-revised-method.ods>

## Chapter 5: Brownfield, grey belt and the Green Belt

- 5.12. Chapter 5 relates to the proposals for the targeted release of grey belt land within the Green Belt, which doesn't directly impact on Chichester District. However, it also includes proposed changes to para. 124c to make it clear that development on brownfield land is acceptable in principle. There is also a question about whether the definition of Previously Developed Land (PDL) should be expanded to include hardstandings and glasshouses, but also whilst ensuring that the development and maintenance of glasshouses for horticultural production is maintained.
- 5.13. Appendix A sets out draft responses to questions 20, 21 and 22 of Chapter 5 only as the remainder concern specific questions around the definition of the Green Belt. Overall, the response supports development of PDL in the Green Belt but has some concerns around expanding the definition of PDL to include hardstanding and glasshouses given the importance of horticulture in the area. If the definition is expanded, it should be made clear that such sites should only be developed if no longer needed for or suitable for horticultural use. There is no objection to the change to para 124c although it is not considered necessary as brownfield sites are already considered acceptable in principle.

## Chapter 6: Delivering affordable, well-designed homes and places

- 5.14. The proposals in Chapter 6 seek to support affordable housing delivery. The consultation confirms that the Government will not be implementing the Infrastructure Levy but will be focussing on improving the existing system for developer contributions. The proposals for affordable housing expect greater consideration of the needs of those requiring Social Rent and specification of the expectations on Social Rent delivery in affordable housing policies, in line with local needs. The proposals include removing the requirement to deliver at least 10% of total homes on major sites as affordable home ownership (para.66) and the requirement for a minimum of 25% First Homes. The consultation also proposes the introduction of a policy to promote developments with a mixed of tenures and types. It also seeks views on how to support majority affordable housing developments. The consultation also proposes including a specific reference to looked after children in para 63 of the NPPF to ensure that their needs are met.
- 5.15. Other changes in the consultation aim to strengthen support for community-led development, support small and medium size builders, require 'well designed' development (removing the reference to beauty) and supporting upward extensions (not just mansard roofs).
- 5.16. Appendix A sets out draft responses to Chapter 6 questions 47 – 61. Overall, the response is supportive of the proposed changes. The proposed response notes that there are market rather than planning issues with the delivery of rural affordable housing – sites are usually too small for a Registered Provider to take on. The response notes the importance of being able to confidently refuse developments that don't meet high standards of design even if they are otherwise acceptable – this might need a change to the wording of the presumption and for a change in approach on appeal decisions.

## Chapter 7: Building infrastructure to grow the economy

- 5.17. The proposal is to update the NPPF (paras 86b) and 87 to make it easier to build laboratories, gigafactories, data centres and digital infrastructure through the identification of sites for these modern economy uses in local plans and through improved support for the sector.
- 5.18. The consultation also asks whether the development types listed above should be capable of being directed into the National Significant Infrastructure Project (NSIP) consenting regime.
- 5.19. Appendix A sets out draft responses to Chapter 7 questions 62 - 66. Overall, the response supports the change to Para 86b and 87 in principle but suggests a revision to the wording to ensure flexibility (i.e. that the types of development listed are given as examples of modern economy uses rather than a closed list). We would like to see additional support for horticulture and the energy sector.

## Chapter 8 – Delivering community needs

- 5.20. The proposals are to amend the NPPF para. 100 to increase the weight placed on the importance of facilitating new expanded or upgraded public service infrastructure, such as hospitals and criminal justice facilities. Para. 99 is proposed to be modified to incorporate references to post-16 places and early years places.
- 5.21. Changes are proposed to paras. 114 and 115 of the NPPF to move from a 'predict and provide' method of planning for travel to a 'vision-led' approach.
- 5.22. Views are also sought on whether national planning policy could better support local authorities in promoting healthy communities and tackling childhood obesity.
- 5.23. Appendix A sets out the responses to Chapter 8 questions 67 - 71. Overall, the response supports the changes to paras 99 and 100. In relation to promoting healthy communities and tackling childhood obesity the response notes the harmful effect of noise and light pollution and air quality – suggesting these should all be considered as part of good design. Maximising active travel opportunities is also key. In relation to transport, a vision led approach is supported but the wording needs to be clarified. Cumulative impacts should also be considered.

## Chapter 9 – Supporting green energy and the environment

- 5.24. This proposed reforms consultation refers to supporting onshore wind by removing the footnotes 57 and 58 to para.163 of the NPPF, in line with the Chancellor's announcements on 8 July. These changes appear to in fact relate to footnotes 58 and 59 to para 164 of the tracked changes NPPF published alongside the consultation. The proposals also include bringing onshore wind back into the NSIP regime. Amendments to paras 160, 163 and 164 propose to direct decision makers to give significant weight to the benefits of renewable and low carbon energy generation and to set a stronger expectation that authorities identify sites for them. The consultation also seeks views on the thresholds for which onshore wind projects and solar projects should be consented under the NSIP regime.
- 5.25. Views are also sought on climate change mitigation and adaptation, carbon-accounting and managing flood risk.

- 5.26. The footnote that was added to para.181 of the NPPF which made it explicit that that the availability of agricultural land used for food production should be considered when deciding what sites are most appropriate for development, is proposed to be removed.
- 5.27. Views are also sought on water infrastructure provisions in relation to how the current provisions could be improved in order to support water supply resilience.
- 5.28. Appendix A sets out the draft responses to Chapter 8 questions 72 – 86. Overall, the response is supportive of the changes which give greater support to renewable and low carbon energy, including changes to the threshold for NSIP schemes. However, the NPPF could be stronger in relation to delivery of net zero, which is only mentioned once. The need to tackle climate change needs to be fully embedded. In relation to flood risk there needs to be greater clarity in the wording that all sources of flood risk are to be considered, now and in the future. The draft response proposes that the Council objects to the change to the footnote on agricultural land – rather than deleting this it would be better for further guidance to be provided on how this should be weighed against other proposals. New guidance is sought in relation to assessing the noise impact of wind turbines.

#### Chapter 10 – Changes to local plan intervention criteria

- 5.29. The proposals are to revise or withdraw the local plan intervention policy criteria for when the Secretary of State can intervene if a local planning authority is failing or omitting to do anything to prepare, revise or adopt a development plan document.
- 5.30. Appendix A sets out draft responses to Chapter 8 questions 87 – 88. Overall, the response is supportive of both proposed approaches.

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

- 5.31. The proposals seek views on whether to raise planning application fees and whether to introduce statutory cost recovery for LPAs for their role in applications for development consent under the NSIP regime.
- 5.32. Appendix A sets out draft responses to Chapter 8 questions 89 - 102. Overall, the responses support increasing planning application fees to cover costs. The responses suggest that the fees for prior approval applications should match a planning application and that higher fees are also needed for S73 S73B and S77 applications, and applications made under Reg 77 of the Habitats and Species Regulations 2017. Fees should also be charged for listed building consent and applications for works to trees. There should be an option for local authorities to set their own fees where a national default set of fees does not cover costs. Fees should cover the costs of other planning services such as plan making, enforcement and specialist advice.

#### Chapter 12 – The future of planning policy and plan making



- 5.33. This chapter sets out proposed transitional arrangements to ensure that plans at an advanced stage of preparation (including plans that have been submitted for examination) can continue to progress. These arrangements are set out in Annex 1 of the NPPF. However, if the revised Local Housing Need (LHN) figure is more than 200 dwellings per annum higher than the annual housing requirement set out in the adopted version of the plan, the LPA will be required to begin preparation of a plan under the new system as soon as possible.
- 5.34. The previous consultation included a key milestone - that plans would need to reach submission by 30 June 2025 and be adopted by 31 December 2026 in order to continue under the current system. This consultation is proposing implementing the new plan-making system set out in the LURA from summer or autumn 2025 and plans not subject to the transitional arrangements being submitted not later than December 2026 under the current system. It also sets out future changes to the NPPF which relate to digital reforms, web-based national policies and how to incorporate the National Planning Policy for Waste and the Planning Policy for Traveller Sites.
- 5.35. Appendix A sets out draft responses to Chapter 8 questions 103 - 105. Overall, the response is supportive but questions the capacity implications for the Planning Inspectorate and support services such as consultants and national agencies if many plans come forward together.

#### Chapter 13 - Public Sector Equality Duty

- 5.36. Question 106 relates to potential impacts under the Equality Act 2010. No comments are suggested on this question.

### **6. Alternatives Considered**

- 6.1 The alternatives are not to respond to this consultation, or to provide different consultation responses.

### **7. Resource and Legal Implications**

- 7.1 There are no resource or legal implications connected with responding to this consultation for the Council.

### **8. Consultation**

- 8.1 This is a public consultation being run by the government. Internal consultation was undertaken with colleagues in Development Management, Housing, Economic Development and Environmental Protection who all contributed to the draft response.

### **9. Community Impact and Corporate Risks**

- 9.1 There are no community impacts or risks to this council of responding to this consultation.

### **10. Other Implications**

	Yes	No
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<b>Crime and Disorder</b>		✓
<b>Climate Change and Biodiversity</b>		✓
<b>Human Rights and Equality Impact</b> Q106 of the consultation seeks views on the potential impacts under the Public Sector Equality Duty	✓	
<b>Safeguarding and Early Help</b>		✓
<b>General Data Protection Regulations (GDPR)</b>		✓
<b>Health and Wellbeing</b>		✓

## 11. Appendices

Appendix A: Consultation questions and draft answers for consideration