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COTSWOLD
DISTRICT COUNCIL

Wednesday 4 September 2024

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CABINET MEMBER FOR PLANNING AND REGULATORY SERVICES DECISION MEETING

A Cabinet Member for Planning and Regulatory Services Decision Meeting will be held at the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Thursday, 12 September 2024 at 4.00 pm.**

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX
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AGENDA

1. **Declarations of Interest**

Purpose

To confirm any declarations of interest by the Cabinet Member or by any other Officers and Members present.

2. **Cotswold District Council Response to the Government Consultation on proposed reforms to The National Planning Policy Framework and other Changes to the Planning system (Pages 3 - 44)**

Purpose

To approve the Council's consultation response to the Government consultation on 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system'.

Recommendations

That subject to the resolutions of Cabinet on 5 September 2024, the Cabinet Member for Planning and Regulatory Services:

- I. Approves the Council's consultation response to the Government consultation on 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system' attached at Annex A, subject to any amendments that are agreed during the meeting.

(END)

Agenda Item 2



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DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET MEMBER FOR PLANNING AND REGULATORY SERVICES DECISION MEETING – 12 SEPTEMBER 2024
Subject	COTSWOLD DISTRICT COUNCIL RESPONSE TO THE GOVERNMENT CONSULTATION ON PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM
Wards affected	All
Accountable member	Councillor Juliet Layton Cabinet Member for Planning and Regulatory Services Email: juliet.layton@cotswold.gov.uk
Accountable officer	Jon Dearing – Interim Executive Director Email: jon.dearing@publicagroup.uk
Report author	Matthew Britton – Interim Forward Planning Lead Email: matthew.britton@cotswold.gov.uk
Summary/Purpose	To approve the Council’s consultation response to the Government consultation on ‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’.
Annexes	Annex A – Proposed draft response to the Government consultation on ‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’
Recommendation(s)	That subject to the resolutions of Cabinet on 5 September 2024, the Cabinet Member for Planning and Regulatory Services: <ol style="list-style-type: none"> I. Approves the Council’s consultation response to the Government consultation on ‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’ attached at Annex A, subject to any amendments that are agreed during the meeting.
Corporate priorities	<ul style="list-style-type: none"> • Responding to the Climate Emergency • Delivering Housing • Supporting Communities • Supporting the Economy
Key Decision	NO



COTSWOLD
DISTRICT COUNCIL

Exempt	NO
Consultees/ Consultation	Strategic Housing Manager, Local Management Team



1. BACKGROUND

- 1.1** The Government is consulting on a series of proposed changes to national planning policy. This includes specific changes to the National Planning Policy Framework (NPPF) and broader reforms relating to planning fees, local plan intervention and the thresholds used for determining applications under the Nationally Significant Infrastructure Project (NSIP) regime.
- 1.2** The consultation runs from 30 July – 24 September 2024 and the Government has indicated that a new version of the NPPF will be published later in 2024.
- 1.3** The purpose of this report is to provide the Council’s consultation response that will be submitted to the Government’s consultation (provided in Annex 1) so that it can be discussed and agreed at the Cabinet Member for Planning and Regulatory Services Decision Meeting.
- 1.4** Since 2020, Cotswold District Council has been preparing a Partial Local Plan Update, primarily to make the adopted Cotswold District Local Plan (2011-31) ‘green to the core’. This has already undergone two Regulation 18 consultations, the last being between February and April 2024.
- 1.5** In January 2024, the Council also began a Local Plan Development Strategy and Site Allocations Plan (2026-41). This will set new requirements for different types of development, green space, and supporting infrastructure, amongst other things. It will also set out how and where these requirements will be delivered. This Local Plan underwent its first Regulation 18 consultation between February and April 2024.

2. MAIN POINTS

- 2.1** Cabinet was notified about the national planning policy consultation proposals and the implications for Cotswold District during the Cabinet Meeting on 5 September 2024. Cabinet was advised that the consultation proposals would have significant implications for the district, if brought into force. Due to the short timescale to prepare and submit a consultation response, Cabinet was requested to delegate the submission of the Council response to the Cabinet Member for Planning and Regulatory Services.
- 2.2** The Government’s consultation comprises 106 questions on the various proposed changes to national planning policy. The Council’s consultation response largely welcomes the proposals, with 40 of the responses supporting the proposals; 18 of the responses not supporting the proposals but providing constructive feedback; and the remainder answering questions that did either did not require support or objection or where the Council did not have a view.
- 2.3** The Government’s consultation comprises 106 questions on the various proposed changes to national planning policy. The Council’s consultation response largely welcomes the proposals, with 40 of the responses supporting the proposals; 18 of the responses not supporting the proposals but providing constructive feedback; and the remainder answering



questions that did either did not require support or objection or where the Council did not have a view.

- 2.4** The key points in the Council's consultation response include welcoming the proposal for increased social rented housing from new developments. This aligns with the Council's priority to deliver more affordable housing, particularly social rented housing. Concerns are raised, however, about the proposal to increase the number of homes needed in Cotswold District from 504 to 979 homes a year and the way this would be calculated; that no transitional arrangements are proposed to give Local Planning Authorities time to plan for an increased housing need figure; and that some consultation proposals may increase CO2 emissions and miss opportunities to improve health and wellbeing.

3. ALTERNATIVE OPTIONS

- 3.1** The Cabinet Member for Planning and Regulatory Services may choose not to approve the consultation response. However, it is open for the Cabinet Member to choose to approve the response, subject to amendments to be made by officers before submission which would address any queries raised.
- 3.2** Therefore, choosing not to approve the response as a whole is not recommended, given that the Council would lose the opportunity to submit a formal response to put forward the circumstances of the District within the consultation.

4. FINANCIAL IMPLICATIONS

- 4.1** Whilst the consultation response does not have any direct financial implications for the Council it is likely that additional work may be required to amend the Local Plan. The financial impact of such changes will be brought forward for consideration once the impact has been established.

5. LEGAL IMPLICATIONS

- 5.1** The main legal implications concern the impact of the consultation proposals may have on the timetable for implementation of the new Local Plan and this is, as yet, unclear.

6. RISK ASSESSMENT

- 6.1** The national planning policy consultation proposals have significant risks to the district, as set out in Section 2. For example, if brought into force, they could have a bearing on the timescales / production of the council's Local Plan; the amount of housing development required in the district; and the Council's ability to deliver plan-led development with the benefit of local democracy.

7. EQUALITIES IMPACT



7.1 Not applicable.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

8.1 Delivering a Local Plan that is green to the core is a corporate priority in the Council's efforts to tackle the climate change and ecological emergencies and the consultation proposals may impact this.

9. BACKGROUND PAPERS

- [Proposed reforms to the National Planning Policy Framework and other changes to the planning system \(MHCLG, 30 July 2024\)](#)
- [National Planning Policy Framework: draft text for consultation \(MHCLG, 30 July 2024\)](#)
- [Outcome of the proposed revised method \(MHCLG, 30 July 2024\)](#)

(END)

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<p>Cotswold District Council response to Government consultation on ‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’ (MHCLG, 2 August 2024 to 24 September 2024).</p> <ul style="list-style-type: none"> • Proposed reforms to the National Planning Policy Framework and other changes to the planning system (MHCLG, 2 August 2024) • National Planning Policy Framework: draft text for consultation (MHCLG, 2 August 2024) • Outcome of the proposed revised method (MHCLG, 2 August 2024) 		
<p>Chapter 3 – Planning for the homes we need</p>		
1	<p>Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?</p>	<p>No. CDC agrees that the housing need calculation should be the mandatory starting point for plan making. However, there may be exceptional circumstances that require an alternative housing need calculation to the standard methodology.</p> <p>CDC also want to avoid being out in a position whereby Planning by Appeal becomes prevalent because of changes being introduced in the NPPF. A transition period is needed giving councils time to adapt to the new requirements (including dealing with mitigating matters such as Cotswold National Landscape) whilst not exposing councils and their residents to off-plan planning applications being determined against the ‘presumption in favour of sustainable development’.</p> <p>Greater clarity is also needed about the mechanisms that authorities should use to determine the housing requirements where there are “areas or assets of particular importance”, such as floodplain, AONB, Green Belt etc.</p>
2	<p>Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?</p>	<p>No. The proposed standard methodology is not a true calculation of the number of homes needed in an area. It is an overly simplistic ‘one size fits all’ calculation, which has too high an emphasis on housing affordability ratios. There may be important local circumstances that justify an alternative housing need calculation, such as economic growth. Deleting this reference would disregard these local circumstances, which may justify an alternative methodology.</p> <p>CDC want to avoid being out in a position whereby Planning by Appeal becomes prevalent because of changes being introduced in the NPPF. CDC recommend that a transition period is introduced giving Council’s time to adapt to the new requirements (including</p>

		dealing with mitigating matters such as Cotswold National Landscape) whilst not exposing the council and its residents to poor planning applications.
3	Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?	<p>No. Larger urban areas should be expected to provide a proportionately larger number of new homes than rural areas, as they are the most sustainable locations for new development with the largest range of services and facilities and ability to travel by non-car modes of transport.</p> <p>The proposed changes to the standard method result in an increase in many rural areas and a decrease in larger urban areas which is entirely counter-intuitive. In essence, it is imposing the exportation of unmet housing needs from larger urban centres and circumventing the duty to co-operate. This is likely to result in an increase in transport related CO2 emissions; negative impacts on health and wellbeing linked to car dependency and reduced opportunities for active travel.</p>
4	Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?	<p>Yes. Promotion of design codes is welcomed given the generally very poor standard of housing that has been built in some areas because of the operation of the tilted balance over the last decade or so. This will however have an additional financial impact on LPAs and, if introduced in a similar rushed manner to BNG (with poor guidance, lack of skills and inadequate time to prepare), is likely to result in further such poor development.</p> <p>A design toolkit focused on aesthetics will not overcome the design flaws in poorly located development. If the Government is serious about the quality of the built environment, it needs to support local authorities in their efforts to make sure development is in the right place and at the right time. Residential development needs to be complemented by delivery of infrastructure and by employment opportunities.</p>
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?	<p>Yes. Nationally, design coding across a larger (e.g. authority-wide) area is often difficult and Design Codes often duplicate national guidance. Whilst Design Guides can be prepared successfully on a larger-scale basis, design codes can more effectively focused on smaller geographical areas including areas of significant opportunity for change.</p>

6	Do you agree that the presumption in favour of sustainable development should be amended as proposed?	<p>No. The proposed change, and the presumption in favour of sustainable development in total, are focused on housing delivery. The proposal does not sufficiently factor in climate change or accessibility of developments to services, facilities, employment and public transport.</p> <p>Whilst the proposed clarification regarding which policies may be considered out of date in relation to the 'tilted balance' (i.e. those relating to the supply of land) is helpful and supported, the amendments made in relation to the location and design of development and the provision of affordable housing are inadequate 'safeguards' against the proliferation of speculative applications that are likely to ensue upon introduction of the new standard method.</p> <p>Simply identifying location, design and affordable housing provision as particular considerations to be taken into account when weighing up the potential harms of development against the benefits, will not help local authorities that are drawn immediately into the position of having a significant housing land supply shortfall.</p> <p>In addition, LPAs can generally only affect the supply of planning permissions, not the number of homes that are delivered. Thus, it is fair that LPAs are penalised if they fail to plan for sufficient housing, or refuse consent that accords with its plan. However, the proposed system will punish LPAs when:</p> <ul style="list-style-type: none"> • Land is promoted as being deliverable in the Local Plan but is not delivered • Land is delivered but not in accordance with the allocation i.e. watered down • Applications are submitted that do not accord the Affordable Housing etc. requirements • No applications are submitted so it is impossible to approve them • Developers game the delivery of their site to engage the tilted balance to land bank more consents but do not build them out <p>In these circumstances the LPA gets punished for the lack of delivery by the land promoter/developer. Even when sites do come forward when the LPA seeks to ensure compliance with the allocation or its adopted policies developers know that the spectre</p>
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		<p>of the 5 year housing land supply can be used to drive down standards as delivery trumps quality/compliance. There needs to be a more level playing field where the pain for lack of delivery also falls on developers e.g. the LPA could levy Council Tax on any allocated sites not brought forward or delivered within, say, 5 years with the funding used to help release the site; Government could raise tax on sites land-banked; ensure forced sale of land that has been allocated but not brought forward etc.</p> <p>The commitment to ensuring quality rather than merely delivery is welcomed. However, it is also important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. Whilst CDC are supportive of additional housing, especially social rented housing, the Council is concerned that without amendment, the proposal will lead to the ‘planning by appeal’ scenario for many councils. To provide the opportunity for councils to ensure that development is appropriate, we strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs.</p> <p>To provide the opportunity for councils to ensure that development is appropriate, it is strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs.</p>
7	<p>Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?</p>	<p>No. Once a Local Plan has been adopted, there should be no requirement to have to demonstrate a 5-year supply of deliverable housing sites. Instead, they should be required to report on the progress of allocated sites and larger planning permissions as part of their Annual Monitoring Report.</p> <p>Only where it is apparent that the anticipated housing trajectory is falling behind schedule and that an insufficient number of homes will be delivered within a 5-year period, should the LPA be required to publish an updated housing land supply position statement in order to quantify the extent of any such shortfall so it is able to be weighed in the balance with all other relevant material considerations.</p> <p>Given that the decision as to when to apply and when to build out rests largely with the developer, and given the cyclical nature of the housing market, there will inevitably be</p>

		<p>peaks and troughs in the delivery across the plan period. As such it should be the delivery over that period that should be measured or else there will be the perverse incentive for an LPA to slow down early/over delivery because it will be punished later in the cycle when there are insufficient sites left to meet targets in later years.</p> <p>Planning for a substantial uplift in numbers will require more land to be identified. A flat housing trajectory does not provide the window of opportunity for local authorities to work with the development industry to identify and plan out these sites, which often will be larger and more complex. If the Government is genuinely committed to a plan-led system, and raising the quality of development, it should consider as a minimum empowering local authorities to ‘backload’ delivery. Such an approach would provide many other advantages – it would also infrastructure and utility providers opportunity to factor into their forward planning, and give the development industry (planners, construction industry alike) some time to develop the skills necessary to deliver at scale.</p> <p>It is important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. Whilst CDC are supportive of additional housing, especially social rented housing, the Council is concerned that without amendment, the proposal will lead to the ‘planning by appeal’ scenario for many councils. To provide the opportunity for councils to ensure that development is appropriate, we strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs.</p>
8	Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?	<p>No. The wording on counting past oversupply in the five year housing land supply should be retained. Housing delivery over a Local Plan period comes in peaks and troughs. Whilst housing requirements should not be a maximum figure, disregarding past oversupply within a Local Plan period will undermine plan-led development.</p> <p>There is currently no guidance on how far back past oversupply should be counted, which is problematic. If this was provided, for example, factoring in housing delivery over the previous 10 year period, then this would solve the issue.</p>

		The proposed change may have the perverse incentive for LPAs to slow down early/over delivery because they may feel they will be punished later in the cycle when there are insufficient sites left to meet targets.
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. If a LPA is required to demonstrate a 5 year housing land supply, that should be enough. Otherwise, they are effectively required to demonstrate a 5.25 year housing land supply.</p> <p>In addition, the proposed new standard method results in a very significant increase in housing need for many local authorities. The consultation acknowledges that the result of this will be many authorities being unable to demonstrate a 5-year supply and thus the tilted balance of the NPPF will be engaged.</p> <p>In the absence of any phased introduction of the proposed standard method, to apply a 5% buffer on top, will simply exacerbate the situation and lead to an increase in speculative applications and planning by appeal. Many local authorities will quickly find themselves having to then apply a 20% buffer and will end up trapped in a cycle of never being able to demonstrate a 5-year supply and take a sustainable plan-led approach to development. Speculative development will become rife and local authorities will face significant resource implications as they are drawn into an increasing number of costly appeal situations.</p> <p>That could then in turn lead to greater central Government intervention depending on the proportion of appeals that are upheld and a loss of control at the local authority level.</p>
10	If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?	It is unnecessary to add a buffer. If the Government wants LPAs to demonstrate a 5.25 year housing land supply, just say that.
11	Do you agree with the removal of policy on Annual Position Statements?	No. Annual Position Statements may be little used at present. However, they do provide a useful option if LPAs wish to use them. There is no harm with keeping this arrangement in place. It can help to avoid the 5 year housing land supply being continually debated in planning appeals. In turn, this can allow LPAs to concentrate resources on plan making and determining planning applications, rather than having to resource planning appeals.

12	Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?	<p>Yes. It is essential that national policy requires effective cross-boundary co-operation on strategically important matters and it is helpful that paragraph 24 is proposed to make specific reference to housing, infrastructure and economic and climate resilience.</p> <p>The proposed introduction of paragraph 27 is supported in principle. However, it should be recognised that the investment plans of infrastructure providers do not always align with local plan timescales and priorities. It may be more appropriate for the text to require alignment with local plan infrastructure evidence rather than local plan policies themselves not being driven by sub-national economic strategy, risks cross boundary co-operation being limited to horse-trading to try to manage housing numbers, rather than being focused on genuine cross-border strategy.</p> <p>Further clarity is also needed on how housing needs in one area, where they cannot be delivered, should be redistributed to another.</p>
13	Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?	<p>Yes. At present the system works against strategic thinking e.g. delivery of new settlements, because the time taken to get them out of the ground in terms of infrastructure can be up to a decade. These are practical delays as opposed to planning delays. Because of the problems in getting spades in the ground on larger sites, there is an incentive on LPA's to allocate smaller sites (as they deliver quicker) and to avoid the larger sites as the potential delays associated with those larger sites may trigger the tilted balance and release ad hoc sporadic development onto LPA areas that try to plan strategically. A mechanism is needed to account for this in the 5 year housing land supply figures.</p>
14	Do you have any other suggestions relating to the proposals in this chapter?	<p>The District Council supports the use of spatial development strategies and welcomes the reference made to such strategies being potentially rolled out beyond mayoral areas.</p> <p>It is recognised that planning delays in some areas can account for delays in house building. This, however, is not the whole picture. If Government focusses solely on planning delays their strategy will fail. Even setting aside land-banking and gaming the system by developers, Government also needs to address issues associated with the lack of capacity in the building industry, the lack of drinking water supplies, the lack of sewage infrastructure to serve the new houses, the lack of grid connections, sites locked up in nutrient neutrality areas, developments mired in HRA assessments, developments where the lack of Habitat</p>

		Banks means planning permission is stalled etc. These all sit outside the ability of the LPA to control but directly affect delivery and will prevent delivery of the houses no matter how many permissions are granted.
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>No. Whilst using a proportion of the existing household stock provides a known, fixed quantity, there appears to be no rationale provided as to why this is the starting point under the new standard method. It will simply penalise more populated areas including those that have already absorbed significant growth in recent years, such as Cotswold District.</p> <p>Under the proposed approach, the starting point for our predominantly rural authority outstrips the growth projections for many regionally significant towns – this totally fails to account for many of the factors that determine growth, such as job supply, infrastructure, or connectivity.</p> <p>Conversely, household projections provide an informed forecast of future household formation based on a range of factors including migration flows. They are a much more appropriate starting point and should be retained.</p> <p>If there are concerns around the use of such projections, consideration should be given as to how the outputs could be improved before they are discarded completely.</p>
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. Housing affordability ratios are biased towards increasing housing delivery in rural areas. They also do not reflect the range of stock in an area.</p> <p>House price data is heavily influenced by what stock is bought and sold – which will often be more expensive in rural areas, given the dynamism around second home ownership and the greater mobility of higher earners. Stock serving the needs of lower income residents will often be rented, either by registered landlord or private landowners, and will rarely transfer ownership. Lower quartile to lower quartile would be a better reflection of the challenges around affordability.</p> <p>It is also widely publicised that housing has been getting increasingly unaffordable across the whole country since the late 1990s. The reasons for this are numerous and complex, for example:</p>

		<ul style="list-style-type: none"> - wages have not kept pace with house prices for many years running; - land banking, which is where land is used as a financial asset to increase share prices rather than to deliver housing and developers purposefully 'drip-feeding' new homes into the market to inflate house prices; - second home and holiday home ownership has removed housing from the market that could otherwise be made available to homeowners, and the resulting increased demand within a reduced pool of housing stock inflates house prices and worsens affordability; and - various other contributing factors. <p>Simply building more houses does not decrease the cost of housing in an area or make housing in the area more affordable. The Council is therefore concerned that housing affordability ratios do not provide an accurate representation of the number of homes needed.</p> <p>The Council knows from its own experience in Cotswold that, despite having a need for 420 homes a year, delivering 750, 900 and 800 homes in three successive exceptional years did not reduce the cost of housing in the district. In fact, housing affordability in the district continued to deteriorate over this time.</p> <p>Whilst the Council fully recognises that issues of housing affordability need to be addressed, using it as a reason to inflate overall housing need is simply not reasonable or sustainable.</p>
17	Do you agree that affordability is given an appropriate weighting within the proposed standard method?	<p>No. Affordability ratios are given too much weighting, as they have a bias towards housing delivery in unsustainable rural locations. The Rural Services Network has undertaken analysis of the proposed changes to the numbers of homes needed in each local authority area compared to the existing national planning policies. This reveals significant changes:</p> <ul style="list-style-type: none"> - Predominantly Rural areas: An increase of 70.2%, equating to 35,215 additional houses (from 50,191 to 85,406), or 6.0 houses per 1,000 dwelling stock. - Predominantly Urban areas: An increase of 6.4%, equating to 14,267 additional houses (from 221,827 to 236,094), or 0.9 houses per 1,000 dwelling stock.

		<p>The large increase in the number of homes needed in rural authorities is because these are typically where housing affordability issues are worst, and consequently where housing needs are calculated to be highest. However, rural areas typically have limited services, facilities, employment opportunities and public transport provision. The proposed changes will bake-in car dependency and increased CO2 emissions, social isolation, increased pressure on already strained local services, and less opportunities for people to live active and healthy lifestyles.</p>
18	<p>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?</p>	<p>If housing affordability ratios are used, the standard methodology should also take consideration of rental affordability. This would give a more accurate representation of the affordability of housing in an area across the whole housing sector.</p> <p>It is important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. Whilst CDC are supportive of additional housing, especially social rented housing, the Council is concerned that without amendment, the proposal will lead to the 'planning by appeal' scenario for many councils. To provide the opportunity for councils to ensure that development is appropriate, we strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs.</p>
19	<p>Do you have any additional comments on the proposed method for assessing housing needs?</p>	<p>It is important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. Whilst CDC are supportive of additional housing, especially social rented housing, the Council is concerned that without amendment, the proposal will lead to the 'planning by appeal' scenario for many councils. To provide the opportunity for councils to ensure that development is appropriate, we strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs.</p>
<p>Chapter 5 – Brownfield, grey belt and the Green Belt</p>		
20	<p>Do you agree that we should make the proposed change set out in paragraph</p>	<p>CDC agrees with the principle of developing brownfield land first. However, no definition of 'a settlement' is provided for the application of the proposed change set out in paragraph 124c, so the policy may enable housing developments in, for example, hamlets and small</p>

	124c, as a first step towards brownfield passports?	<p>villages with limited access to services, employment provision or public transport connections. This would in turn increase car-dependency; transport CO2 emissions; may create isolated communities that are unable to walk and cycle, which goes undermines the principle of delivering healthy communities; and it could add pressure to the delivery of local services (e.g. bin collections having to travel further afield).</p> <p>Clarity should also be provided that the policy should only apply to brownfield sites that are currently in active use, so as not to put undue pressure on converting existing uses into housing development (e.g. pressure for new homes on a site that is currently actively used for employment or commercial uses).</p> <p>CDC does not support the proposal to include hardstanding and glasshouses within the definition of previously development land / brownfield land. This, again, would lead to further housing developments in unsustainable rural locations. It would also open a loophole whereby hardstanding or glasshouses could be built to obtaining planning permission for housing development in an otherwise unsuitable location.</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?	Yes, the proposed change would encourage the use of previously developed land without compromising the openness of designated areas of Green Belt.
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>No. The expanded definition would include hardstanding and glasshouses, which are currently agricultural (greenfield) land. This would lead to further housing developments in unsustainable rural locations. It would also open a loophole whereby hardstanding or glasshouses could be built to obtaining planning permission for housing development in an otherwise unsuitable location.</p> <p>An unintended practical application of this in rural areas may enable housing developments in inaccessible and otherwise unsuitable areas. This would increase car-dependency; transport CO2 emissions; may create isolated communities that are unable to walk and cycle, which goes undermines the principle of delivering healthy communities; and it may</p>

		add pressure to the delivery of local services (e.g. bin collections having to travel further afield).
23	Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?	<p>No. For clarity, a distinction should be made between previously developed land and grey belt land. At the moment, grey belt land includes previously developed land, which is confusing. As there is an existing definition of previously developed land within the NPPF, this should be retained.</p> <p>There should then be a separate and clear definition of what other land within the Green Belt could reasonably be classified as 'grey belt' land. At present, the proposed definition is vague and open to interpretation in referring to land that makes a limited contribution to the five Green Belt purposes.</p> <p>Although an attempt has been made to quantify how a 'limited contribution' might be judged, those in themselves are open to interpretation. More specific criteria/guidance should be provided.</p> <p>We are supportive of the concept of lower grade 'grey belt' land coming forward within the Green Belt to help meet identified development needs, but greater clarity is needed in terms of how any such land is defined and identified.</p>
24	Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?	This could be incorporated into a clearer definition of grey belt land. In other words, the definition should explicitly state that it will exclude any land which has obviously been purposefully degraded in order to try and meet the definition.
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. However, we have concerns about the vague criteria currently identified to identify whether land makes a limited contribution and so anything that provides additional clarity on this would be welcome. In the interests of brevity, this would be better addressed within separate planning practice guidance.

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?	<p>Yes – the proposed guidance is too vague and open to interpretation. A clearer definition of grey belt land should be developed which would avoid the need for criteria to define what is meant by a ‘limited contribution’ to Green Belt purposes.</p> <p>If a definition can be produced for previously developed land, we can see no reason why a definition cannot be produced for ‘grey belt’ land.</p>
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>Whilst Local Nature Recovery Strategies are an emerging concept, they are likely to be able to play a key role in identifying areas of potential enhancement within the Green Belt. The text of the NPPF or associated planning practice guidance could usefully be amended to stipulate that when Green Belt reviews are undertaken, as part of that process, full regard should be had to any existing or emerging Local Nature Recovery Strategies.</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>Yes. The application of a sequential approach to the release of land within the Green Belt whereby the primary focus is previously developed land, followed by grey belt land then higher performing Green Belt sites, is logical and thus supported.</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>Yes, the proposed change is supported.</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 intention to apply the release of land through decision making (as opposed to plan-making) only to previously developed land and ‘grey belt’ sites is supported. However, the vague definition of grey belt sites is likely to lead to significant pressure from speculative development, particularly in those areas where a significant increase in housing need renders the local authority unable to demonstrate a 5-year housing land supply.</p>

		<p>Developers will simply argue that the proposed ‘golden rules’ have been met, that the site makes a limited contribution to the purpose of the Green Belt and that planning permission should be forthcoming.</p> <p>We strongly feel that the proposed change to Green Belt policy, including the concept of grey belt land, if introduced, should be confined to plan-making only and properly assessed through Green Belt reviews where necessary.</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?	<p>In respect of non-residential development, the proposed ‘golden rules’ set out in paragraph 155 of the NPPF only cover two issues – provision of necessary improvements to infrastructure and the provision of new or improved green space.</p> <p>Given that these should be pre-requisites of new development in any case, it is hard to see how they provide any particular justification for releasing land within the Green Belt, either through plan-making or decision-taking.</p>
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?	Yes – the proposed amendments to Green Belt policy should be seen as a positive opportunity to consider the accommodation needs of the travelling community – particularly in areas of high need and unmet need.
33	Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?	No specific view but it would seem sensible to benchmark the level of identified need against supply in some way to justify the need for Green Belt release or otherwise. As local authorities are required to demonstrate a 5-year housing land supply for travelling communities, the NPPF should be revised to require a Green Belt review where there is an inadequate supply of sites identified.
34	Do you agree with our proposed approach to the affordable housing tenure mix?	Whilst we have in principle concerns with the application of the proposed golden rules and the release of ‘grey belt’ land through the decision-making process, if they are to be introduced, it would seem appropriate to stipulate a high proportion of affordable housing and yet leave the proportion of different tenures, including social rented housing, to local

		discretion. This would allow any existing or emerging local plan policies to be able to be considered.
35	Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?	The proposed wording already allows for a reduction in the proportion of affordable homes provided subject to viability. As such, the 50% target should apply as a general requirement to all Green Belt areas and not be 'tailored' individually by local authorities.
36	Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?	<p>Yes. However, the proposed wording is not ambitious or challenging enough.</p> <p>If land is to be released from the Green Belt, it would be entirely appropriate to require a developer to go 'above and beyond' the standard provision of green space that would be expected from all development and yet as proposed to be worded, all that is currently required is the provision of new or improved green space that is accessible to the public. That hardly seems particularly aspirational and should be strengthened to ensure that where land is released from the Green Belt, there is a demonstrable improvement in the level of green space provided or enhanced beyond the standard 'do minimum'.</p> <p>Similarly, there is no specific reference to nature recovery. One option would be to amend the text of the NPPF to stipulate that when land is released from the Green Belt either through plan preparation or decision-making, that the national minimum default for BNG should be increased from 10% to 20%.</p>
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?	Not specific benchmark land values as this is likely to be difficult to do across a wide area with significant variables. However, it would seem appropriate for the NPPF to build on the current 'existing use value plus' approach set out in national policy and planning guidance and stipulate that when land is released for development in the green belt, in recognition of the lower 'development value' of the land, that any uplift in value should be calculated at the lower end of the spectrum e.g. no more than 10x existing use value.

38	How and at what level should Government set benchmark land values?	If benchmark land values are used, they should be at the lower end of the spectrum quoted. The affordable housing element of mixed tenure schemes should have their land value funded by the open market element. 100% affordable schemes should be no more than £10k per plot. It is essential to realign land value expectations and to remove 'hope value' expectations in the UK as these are a significant barrier to delivery of Affordable Housing.
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?	We support this approach. If land is transacting above a minimum defined benchmark land value, there must be a presumption that it is viable and a stipulation that no further negotiations in relation to viability are to take place, other than in very exceptional circumstances. Actions that achieve a realignment of land value expectations and remove 'hope value' expectations in the UK would remove a significant barrier to delivery of Affordable Housing.
40	It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?	Yes. By policy compliant, we assume this to mean the 'at least 50% affordable housing' referred to in proposed new paragraph 155 of the NPPF. Given the text refers to at least 50% it would seem contradictory to then stipulate that no additional contributions for affordable housing should be sought on the grounds of viability. In some instances, it may be perfectly possible to deliver more than 50% affordable housing and this should be recognised in the new text inserted at Annex 4.
41	Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?	Yes. Cotswold District Council agrees with this approach in principle. However, this will require additional resource in LPAs to manage. The cost of any such late-stage review should be borne exclusively by the applicant and not the local authority.

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?	<p>As proposed to be worded, the 'golden rules' relating to infrastructure and green space provision would apply equally to residential schemes and non-residential schemes which is appropriate. The only difference is in relation to the application of proposed criteria a) relating to affordable housing.</p> <p>We have no firm view on this but it may be possible for other non-residential development to stipulate some form of alternative 'catch-all' benefit that would effectively act as a substitute for the affordable housing requirement that is intended to apply to residential development.</p>
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>So as to not impact on plans that have already reached an advanced stage of preparation, the proposed golden rules should only be applied to 'new' Green Belt release. As stipulated elsewhere under the proposed transitional arrangements for plan-making, in some instances, LPAs will be required to revise and re-publish plans that have reached the Regulation 19 stage, in which case those authorities would have the opportunity to consider how to apply the proposed 'golden rules' in any plan revisions that they are having to make.</p> <p>In cases where there is no requirement to review and re-publish a local plan, it should be allowed to proceed to examination without consideration of the proposed new golden rules.</p>
44	Do you have any comments on the proposed wording for the NPPF (Annex 4)?	No comment.
45	Do you have any comments on the proposed approach set out in paragraphs 31 and 32?	Actions that achieve a realignment of land value expectations and remove 'hope value' expectations in the UK are welcomed as these are a significant barrier to delivery of Affordable Housing.
46	Do you have any other suggestions relating to the proposals in this chapter?	Yes. Local Green Spaces are subject to Green Belt policy, but are by definition small islands of land, often in an urban or semi-urban content. It is essential that under-

		<p>delivery of housing does not imperil these green oases. The Council suggests that the NPPF is explicit in excluding LGS from Grey belt.</p> <p>In referencing the provision of at least 50% affordable housing subject to viability, the proposed golden rules could usefully specifically reference the provision of a proportion of social rented homes as part of this, in line with the proposed amendments to paragraph 63 of the NPPF.</p>
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?	<p>Yes, Cotswold District Council is fully supportive of proposals to bring forward additional social rented properties as part of the overall delivery of new affordable homes. The proposed amendments will help to strengthen the expectation that the need for social rented properties is properly assessed and reflected in planning policy.</p> <p>The proposed golden rules relating to the release of Green Belt land could also stipulate that a proportion of the 50% affordable requirement should be in the form of social rented housing.</p>
48	Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?	<p>Yes. In high value areas, far more is viable. Policies should prioritise Social Rent.</p> <p>In addition, whilst affordable home ownership options clearly have an important role to play, it should be a matter of local discretion and decision-making as to what proportion is sought rather than an arbitrary national minimum proportion.</p>
49	Do you agree with removing the minimum 25% First Homes requirement?	<p>Yes. Policies should prioritise Social Rent. In addition, whilst affordable home ownership options clearly have an important role to play, it should be a matter of local discretion and decision-making as to what proportion is sought rather than an arbitrary national minimum proportion.</p>
50	Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?	<p>It is acceptable as an option, but all options should remain, with the LPA deciding the optimum. Policies should prioritise Social Rent.</p>

51	Do you agree with introducing a policy to promote developments that have a mix of tenures and types?	<p>Yes. Mixed-tenure sites have a number of clear benefits and it is appropriate for national planning policy to provide stronger support in this respect without being overly prescriptive.</p> <p>The decision to allow cross subsidy has created a market in Rural Exception Sites land and greater expectations that land may come forward on the edge of villages as market housing (given the tilted balance) has in combination impacted to reduce the supply of Rural Exception Sites coming forward. Policies should prioritise Social Rent.</p>
52	What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?	<p>This should primarily be a matter for local plan-making based on identified housing needs and stakeholder consultation. However, it is recommended that land values are capped at existing plus a modest e.g. 10% uplift as opposed to “reasonable expectations” which can mean hundredfold increases in values for no community benefit. In addition, Homes England could restructure grant funding to provide more grant per plot for Social Rent.</p>
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?	<p>Registered Social Landlords will be best placed to determine optimum site sizes.</p>
54	What measures should we consider to better support and increase rural affordable housing?	<p>The current threshold of 5 units or lower for affordable housing provision in designated rural areas should be extended to apply to all rural areas – either in the form of on-site provision, where feasible and practical, or in the form of an off-site contribution.</p> <p>The wording around the proportion of market homes on rural exception sites could also possibly be reviewed so that it is clearer that any such provision should be subsidiary to the provision of new affordable homes.</p> <p>Affordable housing needs to not only be affordable to rent or buy, but affordable to run, and affordable to provide quality of life. Thus, housing needs to be well constructed and insulated, with minimised running costs, and well served by public transport, with good access to daily necessities. This is best enabled by a plan led system, which takes time</p>

		<p>and energy, not rapidly imposed housing numbers which will enable a rash of speculative and ill thought out applications.</p> <p>Increase Homes England could also grant allocations specific to Social Rent affordable housing on Rural Exception Sites.</p> <p>Set clear benchmark land values for land prices for Rural Exception sites. Allow LA's to CPO small sites (max 25 units) on the edge of existing settlements giving landowners a BLV above agricultural use but with no 'hope value' addition.</p>
55	Do you agree with the changes proposed to paragraph 63 of the existing NPPF?	<p>Yes, it is essential that the needs of looked after children are taken into account in assessing housing needs. Clarity could usefully be provided (e.g. within the supporting PPG) on how planning policies can meaningfully influence the provision of accommodation to meet such identified needs.</p>
56	Do you agree with these changes?	<p>Yes, the additional flexibility regarding the definition of community-led development is considered appropriate as is the ability for local authorities to set a different size-limit for community-led exception sites through local plan making. In referring to the 'development plan' it is assumed that footnote 39 is intended to apply to both local plans and neighbourhood development plans but this could usefully be clarified.</p> <p>Safeguards will be needed to ensure it is not abused by "a group originally set up for a purpose other than housebuilding" merely as a device to get around policy.</p> <p>It is also unclear as to the definition 'originally set up for a purpose other than housebuilding'. Many CLT's are set up specifically to deliver community led housing.</p> <p>A barrier to CLT's success is their inability to attract grant monies from Homes England. This should be reconsidered.</p>
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?	<p>Yes, this is welcomed. The current definition already recognises the potential for non-registered providers to come forward in relation to build to rent schemes and so it would seem sensible to expand this to apply to other forms of affordable housing for rent, potentially with specific reference to community-led development as set out in the consultation proposals.</p>

		<p>CLT's and Almshouse charities should be not for profit organisations and should be encouraged to deliver truly affordable housing. They should be able to access grant funding if they are providing and managing social rent housing to people with a local connection that is so designated in perpetuity.</p>
58	<p>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>	<p>The 10% small-site requirement raises a number of potential difficulties for local authorities which perhaps explain why it is has not been successfully applied 'on the ground'. In simple terms, the more allocations that are included in a local plan, the more objections tend to be raised, the more evidence is needed to demonstrate soundness and the more complex the process becomes.</p> <p>Smaller sites often raise issues around their cumulative impact on local infrastructure such that the infrastructure requirements of one large scheme of 1,000 homes will be much easier to identify and deliver than 100 allocations of 10 homes.</p> <p>The consultation does not mention how many, if any local plans have been rejected on the basis of an insufficient number of small sites having been identified but it would be helpful to understand this.</p> <p>Arguably, the national policy requirement could be strengthened and it could be made more explicit that plans will be rejected at examination if they do not make sufficient provision for a proportion of smaller schemes as part of their overall housing supply. However, this would require careful consideration so as not to impinge on plan delivery for the reasons outlined above.</p> <p>Arguably greater clarity (e.g. a specific definition) of small and medium sites could assist, although the same reasons for local authority reticence would probably remain.</p> <p>It is not clear what is meant in the consultation by a small-site strategy and so we are unable to comment on the merits of such an approach.</p> <p>Benchmark land values for land prices/removal of 'hope value' on land/premium grant support for small site social rent housing could help to deliver more small sites.</p>

		<p>Likewise, incentives for Rural Exception Sites in rural areas (e.g. increase Homes England grant allocation specific to Social Rent affordable housing on Rural Exception Sites) could help. Similarly, setting clear benchmark land values for land prices for Rural Exception Sites would help.</p> <p>Government could also introduce a provision whereby owners of larger sites had to include a percentage for smaller developers or they could be forced to flip them on in whole or part if they were not delivering.</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. The current references to “beauty” and “beautiful” are subjective and add little to the importance placed on well-designed buildings and places. Reference to “well-designed” encompasses matters beyond the physical appearance.
60	Do you agree with proposed changes to policy for upwards extensions?	Yes. It was never clear why mansard roofs were singled out in particular and the proposed change to refer to mansard roofs as one form of upward extension are supported in seeking to achieve the same aim of maximising the use of existing space, whilst providing a much greater degree of local flexibility as to how this is best achieved.
61	Do you have any other suggestions relating to the proposals in this chapter?	The capacity of “design” professionals in LPAs has been severely curtailed over the last decade and as such will need substantial investment if it is to deliver.
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>Yes, the particular support now offered for modern economic uses is supported. However, the amended wording could be more neatly woven in as follows:</p> <p><i>‘set criteria, and identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. This should include consideration of appropriate sites and space for commercial development which meet the needs of a modern economy such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics’.</i></p>

63	Are there other sectors you think need particular support via these changes? What are they and why?	It would be helpful if green industries were to be specifically referenced here in recognition of the climate emergency and the economic potential that exists in this key sector.
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?	NSIP is a very time-consuming process and in many areas would be welcomed by the LPA and secure planning permission far faster than the NSIP regime. Mandatory Planning Performance Agreements could perhaps be used to retain control and fees at the local level but secure speedy outcomes, which would be a better way of delivering such infrastructure?
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?	We have no specific threshold suggestion, but would simply observe that it will be important for local authorities to retain the ability to determine the majority of any such applications and so the threshold should be set such that only the very largest proposals would fall under the NSIP regime. NSIP is a very time-consuming process and in many areas would be welcomed by the LPA and secure planning permission far faster than the NSIP regime. Mandatory Planning Performance Agreements could perhaps be used to retain control and fees at the local level but secure speedy outcomes, which would be a better way of delivering such infrastructure?
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?	Yes, it is entirely appropriate to afford significant weight on the provision of new, expanded or enhanced public service infrastructure when development proposals are considered.
68	Do you agree with the changes proposed to paragraph 99 of the existing NPPF?	Yes. The proposals relating to the provision of post-16 education and early year's provision are strongly supported.

69	Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?	<p>Yes. It is essential that local authorities move away from a past-trend based ‘predict and provide’ approach and towards a more visionary ‘decide and provide’ approach. This is already being reflected in an increasing number of local transport plans. As such, it will be helpful for such an approach to be embedded in the NPPF and any associated planning practice guidance. In so doing, this will hopefully help to stop highways dominated proposals and engender more creative solutions.</p>
70	How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?	<p>National planning policy could usefully be amended to refer specifically to the concept of ‘healthy place shaping’ which could usefully be defined within the glossary of the NPPF and in any accompanying planning practice guidance.</p> <p>Specific reference could also usefully be made to the use of Health Impact Assessments (HIA) both in plan-making and decision-taking.</p> <p>The specific example provided in the consultation of avoiding hot food takeaways near schools is a helpful example to include as we understand some local authorities have successfully taken forward such policies, whilst others have failed at examination.</p> <p>If the NPPF were to explicitly state that the locational aspects of development should take into account health considerations including the availability of healthy food choices, that would be very helpful in providing clarity to local authorities on what policies are likely to succeed at examination.</p> <p>It will be important to review of the Use Class Order to break down class E into its former constituent parts and remove the many permitted development rights that allow flipping from one use to another without permission. This is needed to provide control over the High Street to prevent inappropriate changes of use to takeaway etc. near schools.</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 NSIP regime?	Yes. Given the potential scale and nature of such proposals, it would seem appropriate that they are dealt with under the NSIP regime.
73	Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?	<p>Yes. The proposed amendment to paragraph 160 is supported in strengthening the expectation that local authorities identify suitable areas for renewable and low carbon energy sources. The text (or accompanying practice guidance) could usefully be amended to clarify that this is referring to both the delineation of broad areas of suitability as well as specific sites.</p> <p>The proposed amendments to paragraph 163 and 164 are also supported but could usefully be strengthened with cross-reference to the December 2023 Written Ministerial Statement on Energy Efficiency, making it clear that local authorities are able to set their own standards in excess of current and planned building regulations subject to specific caveats.</p> <p>There is still tension between the legal duties to protect and enhance with Listed Buildings / Conservation Areas, conserve and enhance (AONB) and the “great weight” to be applied to these objectives when weighed against the measures needed to address the climate emergency. These do not enjoy the same legal status. The law needs to better balance these objectives if revisions to the NPPF are to have meaning.</p>
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?	<p>Additional criteria should be added to the re-numbered paragraph 161 to ensure that in plan-making, local authorities take account of any such sensitivities in seeking to increase the supply and use of renewable and low carbon energy and heat.</p> <p>Paragraph 164 in applying to decision-taking should be amended in the same way.</p>
75	Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore	Yes, for the reasons set out in the consultation paper, it would seem appropriate to increase the threshold.

	consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?	
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?	Yes, for the reasons set out in the consultation paper, it would seem appropriate to increase the threshold.
77	If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?	No comment.
78	In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?	<p>National policy should be strengthened in various ways.</p> <p>Firstly, in relation to the issue of new build development it should be made clear that local authorities can set energy efficiency requirements which exceed building regulations in line with the December 2023 Written Ministerial Statement.</p> <p>Policy should be updated to refer to the use of water efficiency standards, making it clear that subject to evidence on water scarcity and viability, that local authorities can choose to introduce more stringent requirements that go beyond the current optional building regulations.</p> <p>It should also be updated to emphasise the importance of an integrated approach being taken in relation to the water environment such that issues of flood risk, drainage, supply, wastewater and efficiency are dealt with in a holistic manner.</p> <p>National policy could also be stronger in relation to the issue of retrofitting renewable and low carbon energy solutions, with specific planning practice guidance on how such issues should be approached in areas where there are heritage sensitivities.</p> <p>Stronger reference should also be made in relation to the inter-relationship between local plan policy and nature recovery strategies. Current references to LNRS are very</p>

		limited and could usefully be expanded to ensure that they are properly reflected through plan-making.
79	What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?	<p>In terms of plan making, Cotswold District Council has recently partnered with Bioregional and Space Syntax in relation to the application of a zero-carbon spatial planning tool to help inform the emerging Cotswold District Local Plan 2041. The tool will help to quantify the carbon emissions associated with different spatial strategy and development site options.</p> <p>Whilst the tool is currently at the beta-testing stage, it is fully functional and expected to be released to the wider market within the next 12 months. The challenges to increasing the use of such approaches are likely to be resource constraints and consistency of approach between different authorities as well as broader understanding of methodology and outputs amongst stakeholders.</p>
80	Are any changes needed to policy for managing flood risk to improve its effectiveness?	National policy should be updated to emphasise the importance of an integrated approach being taken in relation to the water environment such that issues of flood risk, drainage, supply, wastewater and efficiency are dealt with in a holistic manner.

81	Do you have any other comments on actions that can be taken through planning to address climate change?	<p>National policy should be strengthened in various ways.</p> <p>Firstly, in relation to the issue of new build development it should be made clear that local authorities can set energy efficiency requirements which exceed building regulations in line with the December 2023 Written Ministerial Statement.</p> <p>Policy should be updated to refer to the use of water efficiency standards, making it clear that subject to evidence on water scarcity and viability, that local authorities can choose to introduce more stringent requirements that go beyond the current optional building regulations.</p> <p>It should also be updated to emphasise the importance of an integrated approach being taken in relation to the water environment such that issues of flood risk, drainage, supply, wastewater and efficiency are dealt with in a holistic manner.</p> <p>National policy could also be stronger in relation to the issue of retrofitting renewable and low carbon energy solutions, with specific planning practice guidance on how such issues should be approached in areas where there are heritage sensitivities.</p> <p>Stronger reference should also be made in relation to the inter-relationship between local plan policy and nature recovery strategies. Current references to LNRS are very limited and could usefully be expanded to ensure that they are properly reflected through plan-making.</p>
82	Do you agree with removal of this text from the footnote?	No, we cannot see any reason for this footnote to be removed. It is entirely appropriate for agricultural land classification to be considered as one of various matters when determining which sites should come forward for development.
83	Are there other ways in which we can ensure that development supports and does not compromise food production?	Yes, linked to the issue of healthy place shaping, there should be stronger national policy support for the creation of healthier food environments, use of local food production (e.g. allotments and community gardens) and shortening of food supply chains.
84	Do you agree that we should improve the current water infrastructure provisions in	Water scarcity is a live issue for Cotswold District, especially in the River Thames catchment area and so we are fully supportive of proposals to provide greater water supply resilience. It is essential that the primary focus of Government action is on ensuring that

	<p>the Planning Act 2008, and do you have specific suggestions for how best to do this?</p>	<p>water companies remedy existing deficiencies within the water supply infrastructure network (leaks etc.) and also seek to provide any necessary upgrades to supply and disposal at the earliest possible stage.</p> <p>National planning policy should be strengthened to ensure that as part of the infrastructure planning work that accompanies local plan-making, that proper regard is had to the timely provision of supporting water infrastructure.</p> <p>It may be appropriate for national planning policy to make reference to the use of Grampian planning conditions whereby the occupancy of development is restricted until the necessary upgrades to supporting infrastructure (e.g. foul water capacity) have been made.</p> <p>On the basis that subsuming certain water infrastructure projects within the NSIP regime has the potential to improve the effectiveness and timeliness of delivery, we would be supportive of such intentions.</p>
85	<p>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?</p>	<p>Water scarcity is a live issue for Cotswold District, especially in the River Thames catchment area and so we are fully supportive of proposals to provide greater water supply resilience. It is essential that the primary focus of Government action is on ensuring that water companies remedy existing deficiencies within the water supply infrastructure network (leaks etc.) and also seek to provide any necessary upgrades to supply and disposal at the earliest possible stage.</p> <p>National planning policy should be strengthened to ensure that as part of the infrastructure planning work that accompanies local plan-making, that proper regard is had to the timely provision of supporting water infrastructure.</p> <p>It may be appropriate for national planning policy to make reference to the use of Grampian planning conditions whereby the occupancy of development is restricted until the necessary upgrades to supporting infrastructure (e.g. foul water capacity) have been made.</p>

		On the basis that subsuming certain water infrastructure projects within the NSIP regime has the potential to improve the effectiveness and timeliness of delivery, we would be supportive of such intentions.
86	Do you have any other suggestions relating to the proposals in this chapter?	No.
Chapter 10 – Changes to local plan intervention criteria		
87	Do you agree that we should replace the existing intervention policy criteria with the revised criteria set out in this consultation?	Yes. The revised criteria are succinct and clear, whilst providing flexibility and the ability for LPAs to put forward any exceptional circumstances. As such, they are supported.
88	Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?	No. The revised criteria outlined in relation to Question 87 are supported.
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. The proposal appears to be evidentially based and whilst the fee increase is not insignificant, it will remain a relatively small proportion of the overall cost of any such development.
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.	No. CDC supports the proposed increase to £528. This appears to be evidentially based and whilst the fee increase is not insignificant, it will remain a relatively small proportion of the overall cost of any such development.

	If Yes, please explain in the text box what you consider an appropriate fee increase would be.	
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?	CDC supports the proposed increase to £528.
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.	No.
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	<p>A fee should be payable for any application that involves time and resource on behalf of the local planning authority. Owners of listed buildings and buildings within Conservation Areas as well as those who own properties affected by a Tree Preservation Order (TPO) are made fully aware of the potential implications when purchasing those properties and so it would not be unreasonable to expect reasonable costs to be covered when any such applications are submitted.</p> <p>Planning fees should be localised through a local variation model which would enable each LPA to determine the most appropriate fees to charge within an overall national framework.</p> <p>This would ensure that any fees are reflective of the nature and number of application types typically received by each authority.</p>
94	Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?	Yes.

95	<p>What would be your preferred model for localisation of planning fees? Please give your reasons in the text box below.</p>	<p>Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.</p> <p>Reason – This would provide a good degree of local discretion based on evidence of incurred costs and the type of applications that come forward whilst providing a degree of certainty for applicants by being set within a guideline national framework.</p>
96	<p>Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?</p> <p>If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?</p>	<p>Yes, in principle and the adoption of a local variation model would allow this to happen based on evidence of incurred costs and the type of applications that come forward whilst providing a degree of certainty for applicants by being set within a guideline national framework.</p> <p>LPA's are cash starved and under capacity. It would be essential that any additional revenue generated is ring fenced to Planning.</p> <p>Explanation: This should be a matter for local discretion based on a local variation model with each LPA required to assess and determine an appropriate increase set within a national framework of guideline fees.</p>
97	<p>What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?</p>	<p>Climate, heritage, landscape, design and tree advice would all seem appropriate candidates for the application of wider planning fees, as these often require significant input and resource which will stray well beyond current fees, particularly for householder applications.</p>
98	<p>Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?</p>	<p>Yes. The costs incurred by local authorities in dealing with NSIP projects are often significant and yet dealt with on an informal basis through planning performance agreements. The introduction of specific planning application fees would help to provide greater certainty for all parties and potentially better meet the actual costs incurred.</p>
99	<p>If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities</p>	<p>Cost recovery through planning application fees should be in place for category 'B' and 'C' (host) local authorities who directly incur the greatest proportion of costs in dealing with</p>

	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.	such applications. The costs of any neighbouring authorities (categories A and D) should continue to be recovered through planning performance agreements. We support the proposed flexibility of the arrangement whereby a planning fee can be waived in favour of a planning performance agreement where this is already in place or where the local authority determines this to be the more appropriate route.
100	What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?	No limitations should be prescribed. We support the use of a 'local variation' model for charging planning fees and this should be extended to include fees payable under the NSIP regime to provide an overarching national framework within which local authorities can then choose to set an appropriate local fee based on the scale and specific nature of the application proposed.
101	Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.	In some instances, the nature and scale of NSIP proposals are such that significant LPA resources are required to facilitate the process, particularly for host authorities. We consider that the Government should adopt a local variation model for the charging of planning fees and that this should be extended to include the NSIP regime. In doing so, the Government could usefully undertake some analysis of the costs incurred by engaging directly with host authorities involved in a selection of NSIP schemes. This would help to determine a suitable national guideline fee framework within which local authorities could then seek a local variation where appropriate and evidenced.
102	Do you have any other suggestions relating to the proposals in this chapter?	None.
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?	Rather than defining a significant increase in housing need as 200 dwellings, it would be better to use a percentage increase as the measure (e.g. a 20% increase in the housing need). A 200 dwelling increase to the housing need of a LPA with, for example, a housing need of 1,500 homes a year will be less 'significant' than if the same were to occur in a

		<p>LPA with a housing need of, for example, 150 homes a year. If a percentage increase was instead used, it would bring consistency and clarity, whatever the housing need is.</p> <p>It is also important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. Whilst CDC are supportive of additional housing, especially social rented housing, the Council is concerned that without amendment, the proposal will lead to the ‘planning by appeal’ scenario for many councils. To provide the opportunity for councils to ensure that development is appropriate, we strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs.</p>
104	Do you agree with the proposed transitional arrangements?	<p>No. It is important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. Whilst CDC are supportive of additional housing, especially social rented housing, the Council is concerned that without amendment, the proposal will leave the council exposed to planning applications in inappropriate locations being determined through planning appeals. To provide the opportunity for the Council to ensure that development is appropriate, we strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs without being exposed to the “presumption in favour of sustainable development”.</p>
105	Do you have any other suggestions relating to the proposals in this chapter?	<p>It is important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. Whilst CDC are supportive of additional housing, especially social rented housing, the Council is concerned that without amendment, the proposal will lead to the ‘planning by appeal’ scenario for many councils. To provide the opportunity for councils to ensure that development is appropriate, we strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs.</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	<p>It is important to understand and manage a likely unintended consequence of introducing the proposals as currently drafted. Whilst CDC are supportive of additional housing,</p>

<p>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?</p>	<p>especially social rented housing, the Council is concerned that without amendment, the proposal will lead to the 'planning by appeal' scenario for many councils. To provide the opportunity for councils to ensure that development is appropriate, we strongly recommend that a transition period is introduced whereby LPAs are given time to plan for increased housing needs.</p>
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