

Appendix 1: Draft GBC Response

Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Published 30 July 2024

This consultation will begin on Tuesday 30 July 2024 at 2pm and close at 11.45pm on Tuesday 24 September 2024.

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

Disagree.

The Council considers that the provisions in the NPPF of December 2023 should be retained with regard to the standard method. Consequently, the figures derived from the standard method should be an advisory starting-point and that any such deviation from the standard method would be scrutinised at the Local Plan Examination. Moreover the Council considers that the principle of the previous standard method formula should be used as it is based on projected household growth over a ten-year period and adjusted in relation to an affordability factor. However the standard method should use the latest population projections **not** the outdated 2014 projections as the Council agrees with the Government's view that the 2014 projections are outdated and consequently the updated 2018 projections (or later when they are available) should be used.

The implications of paragraph 61 (December 2023) has had little time to be seen in practice. While on the face of it, the Government's assertion that such a change will help to meet ambitions for housing growth, the wording confirming the standard method was an 'advisory starting-point' provided some recognition that a nationally set formula for determining 'housing need' was not a perfect tool that accounted for complex planning considerations at a local level. The 'advisory starting-point' reflects the reality affecting many LPAs, who are not able to meet the standard method due to the presence of multiple hard constraints. Removing this clarification could add additional confusion and delay to the planning system.

If the Government persists with a new mandatory standard method based on new principles this would create a very rigid system that will have the unintended consequences of delaying plan production as each local authority will struggle to find sufficient land for housing and negotiate with neighbouring authorities to take their unmet need as many of these will struggle to meet their own requirements.

It is considered that the Government should reconsider this approach as part of its consideration of a universal strategic planning system.

Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

'Alternative approaches' was not previously clearly defined and it was difficult to predict how this would be interpreted at Examination. Therefore, diverting from the standard method to an alternative approach would have been a step into the unknown.

The consultation states that removal of reference to alternative approaches will stop debates about the right number of homes to plan for and support authorities to get on with plan making, yet the consultation states that local authorities would be able to justify a lower housing requirement.

The NPPF needs to be consistent with the consultation, it should also include explicit text stating that it is possible for local authorities to justify a lower housing requirement. The PPG could set out how this can be justified.

It is noted that the consultation recognises that authorities would be able to justify a lower housing requirement on the basis of local constraints. Without clear guidance on this matter, this will remain subject to debate, extending the length of the examination process.

Further clarity is required on what constitutes a hard constraint. The revised wording in the NPPF seems to only relate to environmental issues such as flood risk, landscape and heritage designations, and important habitats. It does not include factors such as the availability of land, viability or infrastructure limitations.

The current standard method and the proposed revised standard method remain a blunt tool for determining 'housing need', and represent a 'policy off' approach taking no account of planning considerations such as the availability of land, constraints such as flood risk, and the viability of development in an area.

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

Yes. The introduction of the 'urban uplift' revealed the arbitrary nature of the standard method and did not address the challenges of delivering housing in urban areas. It was not based on evidence.

Should the Government choose to retain the urban uplift, a fund should be created which would provide substantial assistance for urban regeneration.

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

The Council's agrees to the Government's proposal to reverse the December 2023 change on character and density. Indeed in our previous consultation response to the December 2023 version of the NPPF the Council stated that:

'The Council considers that the Government should not include this as an explicit reason and there are likely to be numerous instances across the country where proposed new densities may be significantly out-of-character with the existing areas but the proposed new allocation represents a sustainable and appropriate form of development.'

'The term 'significantly out of character' could become a source of considerable contention at examination and appeals as the term is very subjective and assumes that higher densities are negative, when higher density development can be important to place making. For example a major extension to a settlement which are at much higher densities than neighbouring very low-density bungalows could provide a more sustainable and viable neighbourhood with a range of facilities and opportunities for public transport and may provide some of these benefits to the existing communities. It is suggested that this matter is left to the Local Planning Authorities and not explicitly referenced in the NPPF.'

Local character and density are important factors when assessing the capacity of an area to accommodate housing growth, however it was never clearly defined in the December 2023 NPPF and its introduction added unnecessary complexity. It also had to be evidenced through an authority wide design guide or code and not all LPAs have the resources to undertake this work as part of local plan preparation.

The proposal to strengthen expectations that plans should promote an uplift in density in urban areas and focusing on ensuring development plans support the efficient use of land at appropriate densities is in principle supported. The Government should however be flexible in their expectations – despite the popular assumption, not all urban areas have sufficient infrastructure and capacity to accommodate high density development. In decision making, other considerations such as the historic environment, flood risk, and access to open space also represent important considerations.

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

The Council agrees to this proposed change and this very much aligns with previous submitted comments on design coding where it was considered that limited resources should be concentrated on key areas of change rather than detailed Borough-wide design codes

Compulsory district-wide design coding may be a considerable burden for smaller LPAs and the benefits may not justify the resources. Focused design codes for areas of change and regeneration sites may represent a more effective use of limited resources. LPAs should however still be able to produce design codes for sensitive areas that are not subject to significant change – for example, a historic part of a neighbourhood which has unique architectural features which are desirable to replicate in any small scale/householder developments.

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

The Government's ambition to deliver new housing is recognised and the Council is supportive of new development and has a track record of successfully facilitating regeneration.

The Council objects to the proposed standard method calculation for determining housing need for reasons set out within the consultation response. Consequently as this is the basis on whether a local authority meets its five year housing supply or not and therefore triggers the 'presumption in favour of development' the Council objects to the presumption in favour mechanism in the way it operates. If the presumption was triggered based on the requirement of a more appropriate standard method including the latest up to date household projections then this would be a more suitable basis to trigger the 'presumption in favour' if housing delivery requirements were not being met.

The consultation recognises that in the short-term more local authorities will be in the scope of the presumption and that this is necessary to urgently address the issue of chronic undersupply of land. This is highly counterproductive to community confidence in the planning system and could make it more difficult to deliver new housing in the future.

A policy that delivers unplanned development on a case by case basis should not be called sustainable and is contrary to a plan-led system. The 'presumption in favour of sustainable development' is often perceived as acting in the interest of the development industry and against community interests, undermining the plan-led system. It can also act to negate the need for the development industry to engage in

plan making by creating an incentive for site promoters to hold back land and frustrate the plan-making process, in order to push an LPA or other LPAs in the housing market area into the presumption, so decisions can be taken subject to the presumption, often by the Planning Inspectorate and circumvent local decision making.

It is considered that the explicit reference which aims to ensure that other necessary planning requirements regarding location, design, affordable housing and the environment are not undermined when the presumption in favour of development mechanism is triggered is supported.

The consultation sets out that the Government is clear that the presumption cannot offer a route to creating poor quality places. These 'safeguards' will require careful monitoring to ensure they are being applied as intended through decision making.

It is recognised that a mechanism to incentivise plan making is required, but this could be better achieved through simplification of the system, the streamlining of evidence to support plan production, and Government investment in delivering infrastructure to deliver new development.

Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

The 4-year housing land supply was confusing and unnecessary and its revocation is supported.

LPAs should be required to monitor a 5-year housing land supply to help understand housing supply and identify reasons why it is not being achieved and implement actions where possible to improve delivery, but LPAs should not be required to demonstrate that it can always be achieved at any given point in time.

Often maintaining a 5-year land supply is beyond the control of the LPA, who do not own the land, do not possess the ability to build houses, and do not have the finances. The delivery of sites - particularly large, complex ones - can often take many years if not decades, and does not occur in a steady flow, often due to macro-economic factors. This is especially apparent in estate renewal projects, which by virtue of upfront demolitions, can lead to a short-term loss in dwellings.

The absence of a 5-year supply should therefore not mean that the 'presumption in favour of sustainable development' is automatically engaged bypassing the plan-led system.

The deliverability of a site with planning permission is mostly beyond the LPAs control and is the responsibility of the developer. However, the plan approach is undermined when development with planning permission is not built.

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

No. Allowing LPAs to use previous over-supply against upcoming supply, although complicated, introduced some fairness and recognition that housing delivery can vary significantly over time.

For example, large, complex sites can often take years or decades to deliver, with houses coming forward in phases. Allowing the recognition of years where there is an over-supply to offset years of under-supply prevents undue penalisation of LPAs.

Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

No. The addition of a 5% buffer adds further complexity and debate to demonstrating a 5 year housing land supply.

A mandatory 5% buffer effectively makes it a '5-year 3-month' housing land supply. A 5-year supply is sufficient for monitoring purposes, and it is not clear how an additional 3 months would achieve the stated aim of 'ensuring choice and competition in the market'. This would be better achieved by Government focussing on diversifying the construction sector through other measures such as skills and training, business support particularly for start-ups (guidance etc.), and other methods to improve the UK's construction capacity.

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

It should be 0%. If a 5 year housing land supply is required, it should be just that – 5 years.

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

Yes. Agree that 'fixing' a 5-year housing supply through Annual Position Statements is of little benefit to most LPAs, and therefore not justified.

Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Yes. Steps to enable universal coverage of strategic planning are welcomed and cooperation beyond LPA boundaries is vital to sustainable growth.

The Council agrees that the NPPF should be amended to further support effective cross-boundary cooperation and strategic planning. Gosport Borough Council is one of eleven authorities that make up the Partnership for South Hampshire which work together to deliver strategic planning on a non-statutory basis which provides a coherent framework for long term planning across the sub-region on housing, economic and environmental matters. It also assists each local authority with its Duty to Cooperate and Statements of Common Ground.

A strategic form of planning across the Country has the potential to provide a better, plan-led approach to deliver the much needed housing growth rather than the standard method approach which indicates housing figures for certain areas which are not possible to achieve due to the sheer lack of land available.

Strategic planning would require a long-term commitment from the Government and where possible opposition parties as this structure would take a number of years to prepare, consult and adopt the plans, potentially beyond a single parliamentary term.

Clarification on the continuation of the Duty to Cooperate is welcomed.

However, in the short term, changes to the NPPF and engagement on 'unmet housing need' may create challenges as there is no 'duty to agree' or effective strategic planning mechanism. The Duty to Cooperate does not mean agreement must be achieved and this is often scrutinised at Examination.

Therefore, in the absence of statutory strategic planning, it is unclear how unmet housing need should be resolved in plan-making. If neighbouring LPAs are at a different stage of plan-making and unable to meet unmet need, how can you deal with unmet need, can it be deferred or is your Local Plan found unsound?

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

Yes. The Council strongly support the Government's proposal to reconsider these aspects of the tests of soundness. The 'effective' test includes requirements relating to deliverability and viability. The tests of soundness can be too stringent, and the high-level of evidence and justification required can stifle the allocation of strategic-scale proposals and complex sites.

It is considered that this review should not just be focussed on strategic sites but also complex brownfield sites. The issues of deliverability and viability are a particular issue for Gosport given the complex nature of key brownfield sites.

Recent versions of the NPPF have required the Council to demonstrate the deliverability and viability of such sites but this can be difficult for a number of reasons. In previous rounds of plan-making the requirement to demonstrate viability and deliverability was less onerous and consequently the Council was able to allocate difficult sites and set out the primary policy requirements to be considered when assessing any planning applications. This provided confidence to the market and Government agencies as it demonstrated the Council was supportive of significant development with a set of parameters even though it was not possible at that time to demonstrate how the site would be delivered and whether it was viable. These sites are now being delivered with a significant amount of housing and employment and the protection of important heritage assets. Under the current requirement regarding deliverability and viability the Council would not have been able to demonstrate this and consequently such sites would have been difficult to allocate.

In areas of more marginal land value such as Gosport, sites that are conventionally 'unviable' could ultimately be developed using for example, alternative finance arrangements, however plan viability reports tend to focus on more conventional finance methods.

These stronger requirements have caused delay in the plan making process as not all the information is available and viability is proving to be a challenge even though that may change through the economic cycle or there may be the potential to attract outside Government funding. Consequently weakening the tests of soundness which would including meeting NPPF requirements regarding deliverability and viability (as part of the test of effectiveness) will assist in promoting sites over a long term and help provide a stronger coherent strategic vision for a particular area.

The Council consider that in order to deliver faster plan-making with a less onerous examination process and ensuring the evidence base to support local plans is more proportionate, it is considered that the Government should review **all** the tests of soundness and establish whether they are fit for purpose.

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

To enable a more efficient plan-making system with a proportionate evidence base there should be a complete review of the tests of soundness. Consideration should be given to whether the tests should be completely abandoned in favour of a different system which presumes in favour of the local authority's strategy.

Representations can only be made if:

- It can be clearly demonstrated that proposed allocations included in a plan creates significant harm on a set of defined criteria; and

- it can be clearly demonstrated that other development options/allocations have not been properly considered by the LPA where it can be demonstrated that the site does not have a harmful impact on a set of defined criteria.

The criteria for both the types of representations would be subject to government consultation. The examination would therefore only be focussed on allocations where it is considered to be harmful on a set of pre-determined criteria or alternatively where a site has been excluded from a plan which meets a set of pre-determined criteria. Otherwise there should be a presumption in favour of the Council's local plan.

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

Revocation of the 2014 household projections is supported but this should be replaced with the use of the 2018 household projections (or later when it is available). It is noted the question asked whether we agree with not using 'the latest household projections' – the previous Government did not use the latest, instead opting for 2014-based projections.

The use of housing stock assumes that areas with more dwellings are in a position to see higher housing growth. In reality, areas with a low housing stock such as rural districts may be most appropriate for a new town. Therefore strategic planning mechanisms are vital to distributing growth that cannot be met in urban areas to other strategic locations.

The consultation admits that the changes to the standard method are to align more closely with the Government's aspirations for the housing market. However, planning policy and guidance should not describe the standard method as representing housing 'need'. The housing numbers produced by the standard method cannot be defined as an objective assessment of housing need for a particular area, but rather a mathematical calculation to distribute the Government's centrally set 1.5 million home target.

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

Yes. Using an average ratio over a 3 year period appears to be better than an individual year.

However, the use of house prices as part of calculating housing numbers is based on the assertion in the consultation that 'the worsening affordability of homes is the best evidence that supply is failing to keep up with demand'.

This appears to be based on the fallacy that new homes leads to a reduction in price. However when new homes are built, prices don't appear to fall. The consultation provides no assessment of how many homes need to be built to ensure prices fall to an affordable level.

The standard method is based on the Government target rather than an objective assessment of housing need and what is affordable to prospective buyers, and therefore it's difficult to determine that using this average ratio is effective.

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

The affordability weighting would create significant additional housing need in expensive areas, without an understanding of why an area is expensive. For example, housing in a remote village may be expensive due to the small number of dwellings available, as well as the local character and habitats. High levels of housebuilding in such rural locations could undermine the local character and habitats, and create homes in unsustainable locations, away from jobs and services.

Likewise, in affluent urban areas, the formula would create a permanent 'presumption in favour of sustainable development'. Without strict planning controls, this could lead to the construction of numerous schemes of varying quality, which could undermine local character and what makes these areas attractive to live, work and visit.

On a broader level, the construction of homes within expensive areas are likely to be sold at a premium, which given existing house prices, may not be affordable to most residents in the locality.

More structural reforms are required to provide genuine affordable homes including funding for affordable homes on complicated brownfield and greenfield sites. Strategic planning and the use of Government agencies could assist with a step-change in delivery.

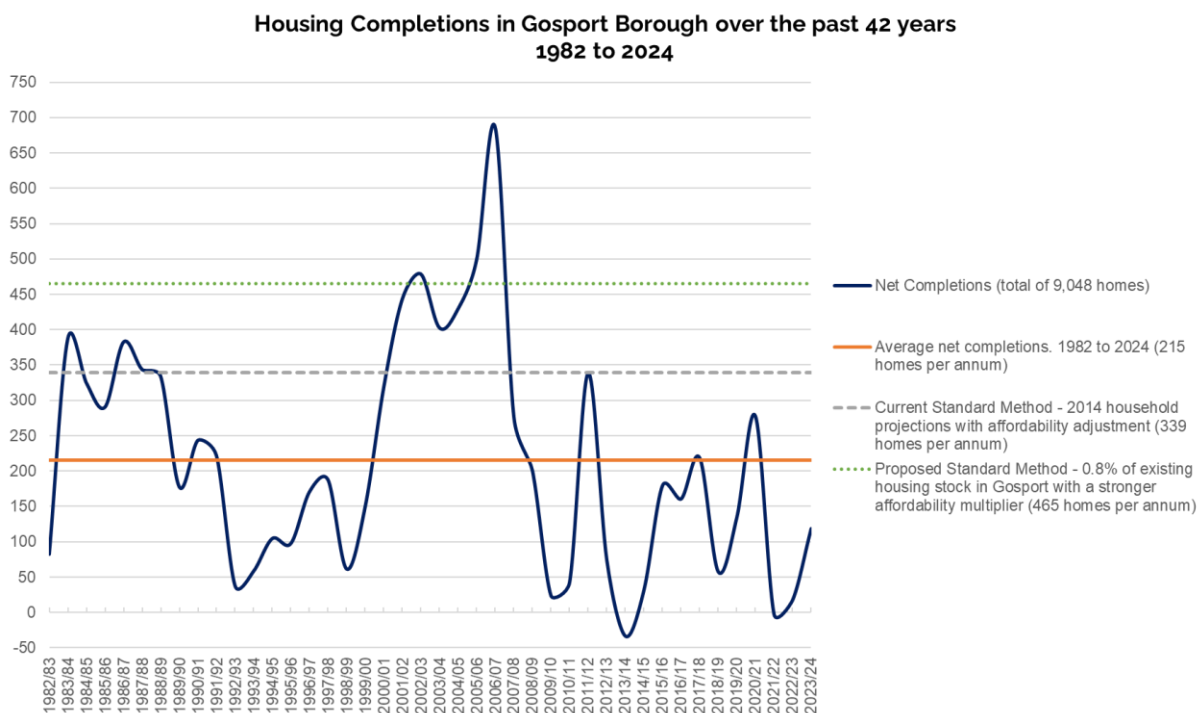
Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

Yes. However this could add complexity and reduce the stability and predictability of housing numbers. The affordability of homes to buy and/or rent should be addressed by other interventions and not just housing targets.

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

The proposed revised standard method results in an annual requirement for Gosport of 465 homes.

Analysis of housing completions in Gosport Borough in the 42 years since 1982 shows this has only ever been achieved in three years (2002/03, 2005/06, 2006/07) from large scale land releases. Such opportunities are no longer readily available. Average completions over this period have been 215 homes per year (as shown in the graph below).



The most recently adopted Local Plan sets out to deliver 170 homes per annum. The Regulation 18 version of the Council’s draft Plan set out to deliver approx. 200 homes per annum. Due to difficulty demonstrating deliverability and changes to land availability, the Regulation 19 version of the Council’s draft Plan is likely to be able to deliver approx. 165 homes per annum - the proposed revised standard method results in a figure of 465 homes.

At the same time, the reality on the ground has not changed, the constraints to development remain complex, the viability of development has worsened, and housing delivery is reliant on the private market. The proposed standard method does not address the challenges to delivering housing in the area, and penalties such as the Housing Delivery Test and presumption in favour of sustainable development potentially act to undermine the Council’s control of design quality although the proposed amendment to the NPPF to safeguard other policy matters will help to overcome this.

The Council would be very open to discuss the issues in Gosport with MHCLG and would welcome the opportunity to provide a tour of our sites.

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

The Council has always taken a positive approach to developing brownfield sites and this is the main source of sites coming forward. Such sites will consequently be allocated in the Local Plan. The proposed change in the NPPF relating to brownfield land is acceptable in principle as it relates to development within settlements and consequently this would accord with existing and proposed Council policies of development having a presumption of favour of development when it is **within** the urban area boundary.

Where LPAs consider previously developed sites to not be suitable for redevelopment, there is often an overriding concern, such as being in an unsustainable location, or in an area of landscape or environmental sensitivity.

Therefore, while we agree in principle with strengthening the brownfield land first position, it should not override site-specific concerns. It is important for the Government to acknowledge the significant viability challenges on such sites relating to amongst other things contamination, neglected historic assets and unsuitable infrastructure. Consequently a strong commitment needs to be given by the Government to provide substantial Government investment to such sites to make them viable concerns in order to deliver quality development.

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

The fundamental aim of the Green Belt is to prevent urban sprawl. The proposed changes to paragraph 154g could cumulatively conflict with this aim, although it is noted that the changes seek to preserve the openness of the Green Belt.

The potential for the use of grey belt land within the Green Belt could be a useful source of supply however it is important that such sites are located in sustainable located with good public access and active travel links with either on-site facilities and/or within a convenient and reasonable distance to key services. Otherwise these communities will endure a sense of isolation and could be car-dependent. Similarly such sites will need to ensure sensitive landscape and habitat issues are addressed.

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

No specific comment on this Green Belt question

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

No specific comment on this Green Belt question

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

A benchmark date should be used, from which the degradation of Green Belt land can be judged. For consistency with Biodiversity Net Gain, which already compels the retention of aerial photograph and other data, this should be January 2020.

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

Guidance would be helpful in the PPG

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

No comment on this particular greenbelt issue.

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

Land identified within Local Nature Recovery Strategies should be excluded from the definition of grey belt, given their high potential for habitat recovery, which is a national and international priority.

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

Careful consideration will be required by the local authority regarding the release of grey belt to ensure the primary function of the Green Belt is not unduly diminished. Strategic planning could assist with this process.

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

Agree.

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

Ideally this should be undertaken through the local plan rather than speculative applications. However local plans could set out criteria where it would consider such sites not specifically identified in the adopted local plan.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

No comment on this particular greenbelt issue.

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

The Council strongly supports the Government's proposals to prioritise other forms of affordable housing over affordable market housing as this is where the need is greatest. There is an existing clear need for this within Gosport Borough and given the flexibility in national policy the Council would place a clear priority on securing social and affordable rent as part of new development.

However in order to deliver this the Government needs to remove the requirement of whole plan viability reports (WPVR) determining the level of affordable housing at a fixed point of time in the economic cycle (i.e. at the evidence collecting stage of the plan-making process). By requiring local planning authorities to adhere to the findings of a WPVA point at a point in time means that changes in the economic cycle over the plan period cannot be reflected in the amount of affordable housing that is achieved. For example if the WPVA report was conducted at a particularly challenging time in the economic cycle and demonstrated 0% affordable housing could be viability delivered on certain sites that figure is what has to be included in a local plan; however, if over time economic conditions improve and these sites become more viable more affordable housing could be delivered but because the local plan includes a policy based on a lower rate it will not be possible to achieve this.

Similarly if the situation got worse and there was a higher affordable housing figure in the local plan then the site would be unviable and would not be developed. The Council strongly urges the Government to reintroduce the system, as used in the current Adopted Local Plan, whereby viability assessments are produced on a case by case basis at the time of the planning application. This has the benefit of taking into account all the relevant variables at the time close to delivery including the business case for the development, lending and funding arrangements, developer and landowner motivations and other factors.

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

Yes in principle as there is clear evidence that this requirement squeezes out more affordable tenures. However, the removal of the 10% requirement of market affordable housing in the NPPF will remove the only prescriptive requirement that local authorities can rely on if their whole plan viability report shows that 0% affordable housing is viable on particular sites.

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

Yes. Local evidence commissioned by the Council in preparing the Local Plan review demonstrates that the First Homes tenure does not meet the main element of demand which is for social and affordable rent.

However, it is noted that First Homes (although not as affordable) do satisfy a demand for affordable home ownership, and when viability is challenging in some ways is better than nothing.

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

First Homes could be retained as an option which LPAs can require if there is evidence such a product is required. This should be decided by the LPA through Local Plan preparation.

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

Yes support.

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

Greater funding from Government (from a reformed Homes England) could assist in de-risking sites which would consequently assist in making more complex sites or sites with viability challenges more likely to provide these forms of affordable housing.

Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

This matter should be for the local authority to decide as part of the plan-making process in consultation with key stakeholders and the wider community. There will be a number of issues that a local authority will need to consider including local need, availability of alternative sites, and the provision of infrastructure and services to serve the new residents (e.g. bus services, health and school places).

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

No comment on this issue

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

Support changes to Paragraph 63.

It should be noted that like many other types of housing, LPAs themselves are unable to control significant funding arrangements and construct homes for looked after children and can only support the allocation/permission of land and therefore LPAs should not face sanctions if sufficient homes are not delivered, this should be dealt with through other mechanisms outside of the planning system with the appropriate responsible bodies.

Question 56: Do you agree with these changes?

Support changes.

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

There are numerous terms and affordable housing products identified, however some forms are not clearly defined and it would be useful to have clear definitions on social rent and affordable rent in the NPPF.

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

A factor affecting the small site allocation can be the availability of small sites for development that are promoted by landowners. In Gosport, small sites make an important contribution to housing delivery. However the LPA does not directly control the ownership of land. In addition, the emphasis on deliverability in national policy and guidance means that LPAs may struggle to find sufficient small sites which can be evidentially deliverable. It should be for the local authority through engagement with landowners, including through the 'call for sites', to determine which sites are allocated. In addition councils produce Strategic Housing Land Availability Assessments (SHLAA) which provides a comprehensive list of potential small sites and gives an indication of any issues that may need to be overcome, if any. This resource could be more widely used by small and medium sized builders.

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

Support. The Council agrees with this change and indeed has previously objected to the use of the word 'beautiful' in this context. Buildings can be well-designed and functional but not necessarily beautiful.

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

Support.

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

No further suggestions.

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

The consideration of growth sectors in the economy is supported and the wording of the NPPF is appropriate to enable local authorities to set the relevant Local Plan policies to allocate such sites where appropriate. The Council is already proposing suitable policies to support growth sectors relevant to the Gosport economy, in particular the marine sector, by allocating land for such industries and protecting essential requirements for this sector such as retaining access to deep water.

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

The Government should consider including the marine sector within the NPPF. This is a key industry for many areas and can play a vital role in increasing employment and skills within coastal areas.

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

This proposals appears to be appropriate.

Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

No comments.

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

No comments.

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

This proposal is supported but it should be noted complex brownfield sites may require additional Government support in order to make such sites deliverable and provide developer confidence; otherwise such facilities will be deemed to make a development unviable and will not be delivered.

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

Support.

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

The principle of a 'vision-led' approach rather than a 'predict and provide' approach is supported from a transport perspective. Hampshire County Council's latest Local Transport Plan (LTP4) appears to reflect this approach. The Council would like further guidance on this matter, including within the Government's Planning Practice Guidance (PPG), on how this is achieved in reality and whether there are any good practice cases within the UK including within provisional towns with more limited public transport choices. There is a concern that in reality a 'business as usual' approach will be promoted by developers as alternative measures may be too expensive (and therefore impact overall viability), impractical, or not be desirable for prospective residents of the development which will discourage a developer to derive innovative solutions.

Similarly the vision-led measures included by developers might not come to fruition once the development has commenced and the local authority is left to deal with congestion and insufficient parking arrangements. Consequently unless sufficient changes are made to funding public transport or encourage active travel, developers will insist in taking the convenient less risky car based development approach based on a predict and provide scenario. Whilst this may appear negative, without a step change in national policy it will be difficult for councils at a district and county level to insist on developers to focus more on public transport and active travel as part of vision-led approach'. Discussions on delivering a vision-led, less-car dependent approach have been discussed since at least the 1990s and in many ways it has become harder to deliver such schemes. This is compounded by the fact that the new standard method and housing figures will likely result in increased development pressure with numerous speculative applications with the presumption in favour of development on greenfield sites which will not be in the most suitable location, nor at sufficient densities, to support public transport and active travel. Developments which prioritise public transport and active travel are more likely to happen through a strategic planning approach which the Government proposes to introduce within this parliament.

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

Gosport has one of the highest rates of excessive weight (obesity and overweight weights) in England. In terms of tackling obesity, including childhood obesity through the planning system, the Government needs to provide unequivocal guidance that local planning authorities can include policies to restrict takeaways with clear criteria that can be used. For example, the former Public Health England had undertaken and published a variety of research demonstrating how the 'food environment' can influence obesity and general health and has advocated planning policies restricting hot food takeaways near schools. The current situation in England seems to be rather inconsistent where certain local authorities have been able to include policies on such matters, others have not and similarly some appeals for takeaway are dismissed and some allowed even though there is local policies and guidance in place. A much clearer steer in the NPPF and PPG is required by the Government in order that local planning authorities can develop policies with confidence. The emerging Gosport Local Plan includes a policy for restricting hot food takeaways however this is limited in that a fast food restaurant (rather than solely a takeaway) could circumvent this because there is no separate definition of a fast food restaurant in the Use Classes Order.

The Government needs to do much more to invest in healthy local communities beyond the planning system including regulating the processed food industry and the advertising of products, investing in youth club provision and school clubs to support young people to live healthier lives, and invest in community halls and local sports clubs to ensure facilities are appropriate for all ages and abilities. Additional investment is required for local authorities to improve their parks and open spaces and create new green infrastructure, walking and cycling routes which are pleasant

and convenient, as well as NHS schemes to provide greater support for residents to lead active lives. More action is required to improve air quality and the water quality of our rivers and coasts to encourage people to walk, play, run and swim within their local environment. Measures to improve accessibility for disabled users is also required to assist with physical and mental health for all.

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

No further comments.

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

No further comments.

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

No further comments.

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

No further comments.

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

No further comments.

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

No further comments.

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

No further comments.

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

No further comments.

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

There is concern that accurate carbon accounting in plan making could represent a significant piece of work which will be costly for limited local authority budgets, particularly given the scale of evidence that local authorities have to produce for local plan production. Much of the current evidence base is very much related to local circumstances and is required for local spatial planning. However there is concern that carbon assessment will place significant burden on local authorities when much of the information could be available from national (and/or academic) sources and not available at a local level. It is also not understood what the value of these assessments will be at a local authority scale. If a development site is a grey belt site in the green belt which will generate significant car borne development because there is limited opportunities for public transport or active travel, should the option be dismissed based on a carbon assessment?

The carbon assessment will also be heavily scrutinised and debated as Examination and planning appeals placing even more drain on resources particularly as local authorities are unlikely to have in-house expertise and it will be necessary to employ consultants, when it will be one consultant vs another and there is very limited information in the consultation of what value such as assessments will provide. The Local Plan should therefore stick to strong sustainable place making measures which will look to reduce carbon emissions without necessarily measuring them at a localised level. For example, this will include developing brownfield sites within urban

areas close to public transport routes or services, or in locations or at densities that could support new services. Similarly such places should be supported by appropriate levels of community and recreational facilities including open space and incorporate biodiversity enhancements.

If carbon assessments are introduced they should at first be explored as high level assessments at national level to understand their value.

There are more effective Government actions that can be undertaken to mitigate against climate change including ensuring new homes are built to the higher standards which reduce energy and water use and use renewable energy. Building Regulations rather than the planning system will be key to this.

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

National policy and guidance should be clearer on the level of detail expected at the plan-making stage, particularly concerning the deliverability of mitigation. It is often difficult for an LPA to demonstrate deliverability at an early stage, and this can hamper ambition and the delivery of brownfield regeneration.

The Government should ensure sufficient funding is made available for the delivery of flood risk mitigation and the Environment Agency is appropriately resourced to support LPAs.

The latest round of Plan-making appears to place a much higher bar on local authorities to demonstrate the detailed delivery of flood management measures in relation to new site allocations. This is borne out from the experience of other local authority examinations.

The Council strongly supports that local plans and the site allocation process is fully informed as part of the sequential and exceptions test as per the existing NPPF, it should also set out any risks and its policies include the parameters that the developer must satisfy at the planning application stage.

It should not have to provide all the answers at the Local Plan stage. This requirement that seems to be current practice is delaying plan-making and in some cases making it very difficult for plans to progress as it can be very difficult for LPAs to have access to the available information due to the scale of work required, for example the amount of repair and maintenance required for the lifetime of a development on a historic sea wall protecting a complex brownfield sites without detailed (and expensive) on-site survey work.

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

No further comments.

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

The Government should include greater detail on food production in the NPPF and update national planning guidance. The Government should consider the protection of the nation's soil resources. This is a very much over-looked issue both nationally and internationally but yet is vital for the underpinning of all our lives.

The proposed removal of the text *'the availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development'* is based on the Government's view that national policy was already clear that areas of poorer quality agricultural land should be preferred to those of a higher quality. The Government sets out that while it is important to maintain the safeguard that poorer quality agricultural land should be preferred, they argue that that benefit of reference to food production is unclear and there was limited guidance on how to assess and weigh the availability of agricultural land when making planning decisions.

The Council notes that the recent addition of food production to footnote 63 in December 2023 was not accompanied by updates to national planning guidance which could have provided the opportunity to clarify what was meant by this footnote. It is noted that existing planning guidance references Natural England's guidance on assessing development proposals on agricultural land, part of which includes an explanation of the grades of agricultural land (1 to 5) which are based on a variety of factors including the yield and output and the types of crops that can be grown.

The Council recognises that the NPPF already requires the use of poorer quality agricultural land, however the removal of this footnote text would mean the only explicit reference to food production in the NPPF would be in policies relating to the effective use of land which includes a variety of other factors such as mixed use schemes, habitat creation, wildlife etc.

The Government should make its position on national food security and how it relates to planning decisions clear in national planning policy. This should include greater detail on food production, not less. This is particularly important given the proposed revised standard method will result in higher housing figures and an increasing number of LPAs moving into the presumption in favour of sustainable development in the short term, which in turn could see agricultural land released for housing circumventing the plan-led system.

Strategic planning would offer an effective way to ensure national food security decisions are aligned with ambitions for housing growth, however until this

mechanism is established, the NPPF should ensure that the importance of agricultural land in ensuring food security is not undermined by pressures to accommodate housing growth.

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

No comment

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

No comment

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

No comment

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

No comment

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

Clarity and flexibility on the criteria is welcomed. Over the last five years there have been constant changes and proposals of the planning system including the potential for wholesale and radical reform. This creates an environment of uncertainty and risk. Local plan examinations and the evidence process is an expensive and time consuming activity and local authorities need more certainty on how the system will work going forward. These changes need to be taken into account when the Government is considering interventions. A less onerous examination system would assist in speeding up plan delivery.

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

See question 87

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

Yes but concerned about possible impact on householders being put off by fee leading to increase in unauthorised developments.

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

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

A fee of c.£350-£400 seems a reasonable compromise in moving towards a fee recovery position.

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

Without detailed calculations it is not clear whether this will cover the costs entirely

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

Without detailed calculations it is not clear whether this will cover the costs entirely

Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.

The fees for most small-medium size developments (not those defined as major developments) do not cover the cost of dealing with these applications. A fee increase of c.35% would support LPAs in dealing with these applications with a reduced financial burden for doing so.

Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

No

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below.

No. Potential differential between neighbouring authorities could be very problematic.

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

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

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

Neither

Don't Know

Please give your reasons in the text box below.

Local variation would enable LPA's to take account of localised issues and constraints (e.g. SPAs) that add a significant level of time-consuming complexity to assessing planning applications.

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

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

Potentially but for major applications only.

Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

The digitisation of planning data and records to make them more readily publicly available in an accurate and accessible format.

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

N/A

Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

N/A

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

Nil

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

N/A

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

No

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

The consultation requires the Local Plan to be submitted within 18 months from the publication of the revised NPPF and recognises this will involve some additional unforeseen work and engagement with communities. The Government will provide direct funding support to these authorities.

For Gosport, the proposed revised standard method will drastically increase the housing requirement. The Council considers it clearly cannot meet the numbers required from the current and proposed standard method and therefore will be required to address 'unmet need' with other authorities who are at various stages of plan-making.

In the absence of statutory strategic planning mechanisms this will likely involve necessitate a future revise of the recently agreed Partnership for South Hampshire Spatial Position Statement (December 2023) which is based on the current standard method. This will likely involve a significant amount of work at additional cost and therefore Gosport Borough Council would welcome additional funding support as set out in the consultation.

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

The extension of the submission deadline for 2004 Act system plans to December 2026 is welcomed.

Further details on plan-making reform in due course will be essential as this has been subject to considerable uncertainty in recent years and may require investment

in new digital systems, staff training, and new burdens funding from Government before it can be operationalised.

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

Further details on National Development Management Policies would be welcomed including clarification on how these will be consulted upon and whether they will be subject to Examination in Public like Local Plans.

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

As stated in previous responses to reforms to the planning system, the Council considers that the impacts on those unable to access digital technologies should be carefully considered in any proposals for digitised planning. The Council would welcome the opportunity to comment on these matters as further details are released.