



# Public Document Pack

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10 September 2024

## PLANNING POLICY COMMITTEE

A meeting of the Planning Policy Committee will be held in **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Wednesday 18 September 2024 at 6.00 pm** and you are requested to attend.

Members: Councillors Yeates (Chair), Lury (Vice-Chair), Bower, Elkins, Goodheart, Huntley, Long, McAuliffe, Partridge, Mrs Stainton and Tandy

### AGENDA SUPPLEMENT

6. REVISIONS TO NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2024 - PROPOSED ARUN DC RESPONSE TO PUBLIC CONSULTATION (Pages 1 - 48)

Appendix 1: Consultation Response Summary Table.

Note: If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

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Number	Question	Suggested ADC response
1	<p><b>Do you agree that we should reverse the December 2023 changes made to paragraph 61?</b></p>	<p>No – it is clear from the rhetoric surrounding the consultation on the updated NPPF the government considers the planning system is both the blocker to delivery, and the key to unlocking new homes. Under the current NPPF (December 2023) it states that the outcome of the standard methodology is an advisory starting point for establishing a housing requirement for the area, whereas the proposed changes are now mandating that the standard method is used as the basis for determining local authorities’ housing requirements in all circumstances. The government has also updated the way the standard method is calculated and raising the overall level of these targets – from a total of around 300,000 to approximately 370,000 net new homes per annum nationally.</p> <p>Making the housing targets mandatory does not take account of the fact there are often significant constraints to the delivery of housing that cannot be overcome to achieve a sound plan. Many councils, including Arun, are already struggling to meet existing housing targets, let alone the increased mandatory targets proposed under the new methodology. In Arun’s case, this is not because of an inadequate number of planning permissions being granted, rather it is down to residential permissions not being built out at the rate that is needed. We believe it is right that the NPPF should recognise where these issues may occur and allow authorities that are truly unable to deliver the housing required of them to plan accordingly in line with a true ‘plan-led’ system. Failure to recognise this will inevitably lead to a rise in the number of failed plans, because there are no other options to delivering the number of dwellings required. This will result in delays to the delivery of housing in that area, or housing in the wrong place and/or with inadequate infrastructure to support it, through speculative development proposals.</p> <p>The Written Ministerial Statement published on the same day that the consultation on the new NPPF refers to the need for ‘turbocharged growth’. The Statement and letter to Chief Planning Officers states that local authorities will be expected to make every effort to allocate land in line with their housing need as per the standard method, and that they will need to demonstrate that they have done so at examination of their plan.</p>

		<p>The documentation states that decisions on where to build should reflect local views but that this about how to deliver; not whether we do deliver. In Arun, the government is expecting 'local views' to be submitted that will tell us how and where to deliver well over 1,400 net new homes per year. However, the proposals will only 'bring certainty' if councils have a realistic prospect of being able to demonstrate and maintain a 5-year HLS (as that is the only way that plans will have any weight in decision making). In Arun, being able to demonstrate or maintain this supply will be incredibly challenging. Consequently, plans are likely to become out of date immediately and there will be no certainty for any party.</p> <p>We consider that the standard method should remain as the starting point for assessing housing needs, but that the reference to possible exceptional circumstances (such as the particular demographic or geographic characteristics of an area, in which the use of alternative approaches to assess housing need may be appropriate), should be retained. In the case of Arun District, once land has been excluded from the search area on the basis of it being within the South Downs National Park, a floodplain (Flood Zone 3b) or other area at high risk of flooding (Flood Zone 3a), or it already being built up/allocated, there is very limited land remaining that would be available to provide more new housing. Similar limitations will, inevitably, apply to a large number of other authorities.</p>
2	<p><b>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?</b></p>	<p>No – we believe there are specific circumstances where a different approach is required, such as where a local plan area does not align with that of the district, and this should remain an option. The presumption behind the consultation appears to be that local planning authorities are spending significant time seeking out 'exceptional' reasons to warrant lower housing growth, whereas we do not believe that is the case in the vast majority of instances. There will remain exceptional circumstances that mean that, on occasion, a planning authority may have a need to calculate need through an alternative approach, for example where a National Park covers an area of a district, and the only alternative would be for that authority to provide no housing. Clearer guidance should be provided as to in what circumstances such alternative approaches would be warranted, and what level of evidence would be required to demonstrate this.</p> <p>The document that accompanies the consultation says that local planning authorities should use the standard method to assess housing needs, by removing the previous reference to</p>

		<p>possible exceptional circumstances, such as the particular demographic characteristics of an area, in which the use of alternative approaches to assess housing need may be appropriate. The government argues that removing these opt outs will stop debates about the right number of homes to plan for and support authorities to get on with plan making. However, simply seeking to apply a standard, arbitrary figure to an area based on existing housing stock, without taking into account any important local constraints to delivery (such as market forces and environmental factors) does not appear to represent good planning.</p> <p>The letter from the Deputy Prime Minister (30 July 2024) did note it could be possible to justify a lower housing requirement than the figure the method sets based on local constraints such as flood risk or protected habitats. However, these words are not contained within the revised consultation draft NPPF document, and the stated criteria are exceptionally limited, so it remains to be seen how this plays out at Examinations in Public where councils propose delivering lower housing numbers than required under the new standard method. We believe it will result in far more local plans failing the test of 'soundness' and costly abortive work.</p> <p>Further, the previous reference to demographics and market signals has been removed. The government need to accept that there are numerous reasons why a 'policy on' position will be different to the standard requirement, and these cannot be confined to such narrow criteria. Also, the wording in the NPPF needs to reflect the comments by ministers on this subject.</p> <p>The government has made it clear that authorities may justify planning for a lower number <u>only where they can evidence hard constraints</u> to the Planning Inspectorate. This now appears to be a very high bar to overcome and will likely result in arguments that additional housing allocations will be required, even in those locations that are less desirable from a planning and sustainability perspective.</p> <p>The annual housing targets for each of second-tier local authorities in West Sussex as currently apply, and as proposed under the new standard method for calculating need are set out in the table below.</p>
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Figure 2 - Comparison Table for West Sussex Authority Housing Targets

	Old	New	% increase	Most recent Local Plan Housing No.	Average p/a delivery over past 5 years
Adur	449	545	+21%	177	107
Arun	1,342	1,409	+5%	1,000	675
Chichester	760	1,206	+59%	575	647
Crawley	476	661	+39%	340	451
Horsham	917	1,294	+41%	777	829
Mid Sussex	1,039	1,276	+23%	1,090	1,004
Worthing	322	862	+167%	230	262
	<b>4,856</b>	<b>6,708</b>	<b>+38%</b>	4,189	3,975

It is notable that the new housing figures are higher for all seven authorities, equating to an overall percentage increase of 38% across the County, which will be extremely challenging to achieve. Whilst at 5% Arun District is proposed to be subject to the lowest percentage uplift in its annual housing target (equating to 67 additional dwellings per annum), the fact is that the current housing target for Arun is already significantly higher than any of the other six West Sussex authorities (over 300 higher than the second highest at present) and the existing target has proven to be unattainable, despite the best efforts of the council to seek to meet as much of its identified housing need as possible through strategic allocations and planning permissions.

The council is already doing what it can to deliver more housing of all tenures across Arun and to now simply expect the council to find even more precious land for new homes within the district with its various environmental, landscape, and infrastructure constraints (even taking into account the government's proposed focus on increasing housing densities in urban areas), is not likely to be able to be achieved and will therefore not lead to the outcomes that the consultation and Ministerial Statement seek to achieve. Instead, Arun is likely to fall further behind in meeting the arbitrary housing targets, resulting in a continued

		<p>inability to demonstrate a 5-year supply of housing land and poor performance against the annual Housing Delivery Test.</p> <p>This will, in turn, mean that the Council will be further penalised through the requirement to add a 20% buffer to its already artificially high housing numbers and the presumption in favour of sustainable development (the 'tilted balance') will continue to take effect, leading to more speculative planning applications and costly and time-consuming appeals and, ultimately, the wrong housing in the wrong places.</p>
3	<b>Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?</b>	<p>No – we consider that a greater uplift should still be applied to larger urban areas which often have better sustainable transport opportunities and enhanced services and where higher densities can often be more comfortably accommodated without detrimentally impacting character. Whilst we acknowledge the previous methodology for encouraging this was flawed and could certainly be improved, we remain of the opinion that housing growth should be directed to these larger urban areas, whereas under the new housing method, London authorities and other large cities actually see their housing requirements significantly reduced, This will only serve to place more pressure on smaller conurbations and rural districts where the infrastructure is less suited to accommodate growth at a significant scale.</p>
4	<b>Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?</b>	<p>No – it is considered that significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. The proposed deletion of this paragraph would, seemingly, afford less weight to the protection of the prevailing character of an area and could lead to less desirable forms of development being permitted. Deletion is considered unnecessary.</p>
5	<b>Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest</b>	<p>Yes - it is agreed that the development of an authority-wide design code is not always the most appropriate approach, particularly where a district or borough has diverse character areas. The proposal to focus preparation on key, localised design codes, masterplans and guides is supported in principle, although it is suspected that the majority of local planning authorities already use such measures for significant regeneration sites, urban extensions and large new communities, in any case.</p>

	<p><b>opportunities for change such as greater density, in particular the development of large new communities?</b></p>	
6	<p><b>Do you agree that the presumption in favour of sustainable development should be amended as proposed?</b></p>	<p>No - introducing more demanding targets and reinstating the requirement to demonstrate a 5-year housing land supply (HLS) <b>at all times</b>, is likely to bring more local planning authorities into the scope of the presumption in the short-term. The consultation says this is necessary to ensure that they urgently address the issue of chronic undersupply of land that has underpinned the housing crisis and supports the drive to deliver 1.5 million new homes over the next five years. It is noteworthy that this is not a 'reinstatement' of a previous requirement; it is a new proposal. Previous versions of the NPPF afforded protection for recently adopted plans and latterly plans adopted less than 5 years ago and there was never before a requirement to demonstrate a 5-year HLS 'at all times.'</p> <p>The proposed changes outlined will affect the application of the tilted balance when determining planning applications and we believe it will result in it being even more difficult for councils to resist speculative development that is contrary to out-of-date development plans. We have seen multiple examples of poor development in unsuitable locations being allowed at appeal in recent times where an Inspector has given significant weight to the absence of a 5-year HLS that, in their opinion, outweighs the harm and other impacts. These kinds of decisions will almost certainly further increase rather than decrease as a result of the government's proposed changes.</p> <p>In response to questions raised at a Ministry of Housing, Communities and Local Government webinar on the proposals, a written response on this matter simply stated: "<i>Where housing delivery lags behind local need, it is right that developers can bring new homes forward outside the plan.</i>" This approach is not in any way supportive of a true planned system.</p> <p>We do, however, support some of the proposed amendments to para 11(d), which provide a clearer policy approach whilst ensuring that the standard of new developments in terms of their location, design and level of affordable housing is an important consideration. It is only</p>



		hoped that these important matters will be afforded due weight by Inspectors in determining planning appeals where an LPA is unable to demonstrate a 5-year supply of deliverable housing sites (plus the 5 or 20% buffer).
7	<b>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?</b>	<p>No – the proposed changes would remove the protection that adopted local plans currently have from the requirement to demonstrate a 5-year HLS of deliverable sites from the date of adoption. This results in the situation where a council could spend hundreds of thousands of pounds producing a local plan over many years and it could be challenged within days/months of adoption and be found to be out of date through no fault of the council. As soon as it is deemed to be out of date, the exceptionally permissive presumption in favour of sustainable development is triggered.</p> <p>If a council has produced a positive plan that demonstrates a deliverable supply of 5-years (as it is required to do), then there should be faith in that system and that council should be afforded certainty by protecting it against challenges to the land supply position through matters that are completely outside of their control (for example, developers not building out permissions at the rates required by government). Without this protection, the incentive to spend enormous amounts of money and time to produce a plan will be significantly reduced and the plan-led system that this consultation is advocating will not be achieved. The opposite will likely be the outcome; speculative development in inappropriate locations not included with any development plan document. The proposed changes will create a system where the chances of the council maintaining a plan-led planning system will be minimal.</p>
8	<b>Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?</b>	Yes - we have no objection in principle to the deletion of the final sentence of paragraph 77 in the current NPPF that refers to circumstances in which past over-supply can be addressed.
9	<b>Do you agree that all local planning</b>	No - the requirement to include a 5% buffer in housing land supply (HLS) calculations for all authorities to ensure choice and competition in the market for land has been established in

	<b>authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?</b>	the NPPF for a number of years now – albeit notably absent from the version in December 2023. In reality, however, Arun will already struggle to meet the additional numbers proposed to be allocated to us under the new methodology and having to add a further 5% makes this even more challenging and further erodes the role and primacy of plan-making being at the heart of the planning system.
10	<b>If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?</b>	<p>Notwithstanding our concerns raised in the response to question 9, if the buffer is to be re-introduced for all authorities in calculating HLS, then we consider 5% would appear to be an appropriate figure.</p> <p>It is, however, considered to be an oversight that the consultation includes this specific question about the 5-year buffer and whether this is appropriate, but remains silent in respect to any questions about whether the 20% buffer applying to authorities that have significantly under-delivered against their housing requirement under the Housing Delivery Test should be retained in the Framework.</p>
11	<b>Do you agree with the removal of policy on Annual Position Statements?</b>	No comments or suggestions.
12	<b>Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?</b>	<p>Yes – in principle, it is agreed that the NPPF needs to be strengthened to ensure effective strategic planning across local authority boundaries, particularly in relation to delivering strategic infrastructure and building economic and climate change resilience. However, whilst there are from some generalised statements referring to Spatial Development Strategies (SDSs) which would be developed as sub-regional plans to cover functional economic areas and would encourage partnership working, at this stage the overarching mechanism for ensuring strategic planning is notably absent from the draft NPPF. Further clarification on this is required, otherwise the sentiment expressed will have little practical impact.</p> <p>It is noted that the ‘duty to cooperate’ will be revoked under the Levelling-up and Regeneration Act (LURA) 2023 but will still apply to local plans progressed within the current</p>

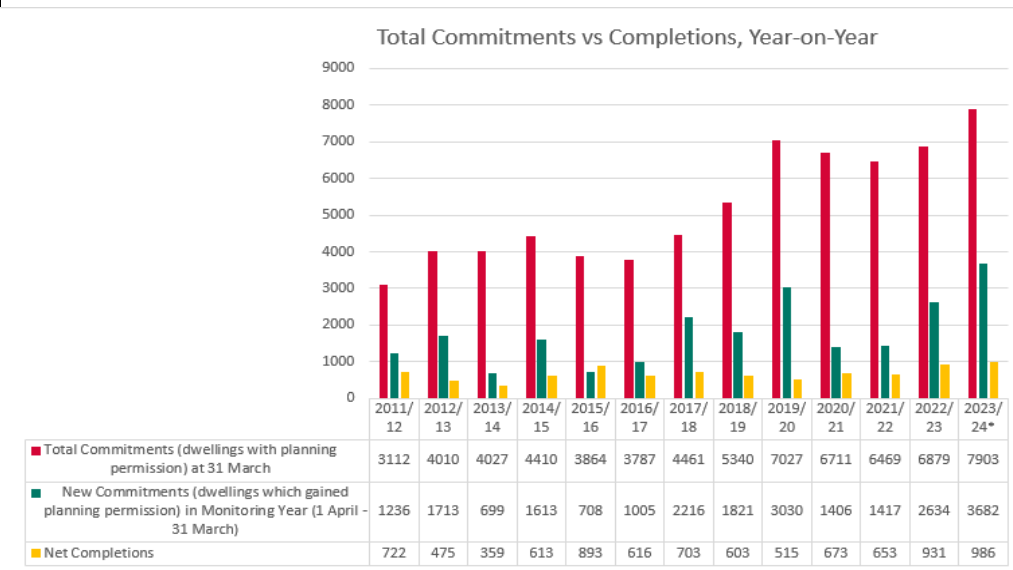
		<p>system. Given the difficulty many authorities already face in accommodating their own area's identified housing numbers and the vastly increased housing numbers across the county/region as now proposed under the new, non-discretionary, 'standard method' targets will make it even less likely that authorities will be able to help each other out through the duty and it may, consequently, result in many more plans being found not to be 'sound' at Examination stage, leading to costly abortive work in planning departments that are already resource-stretched. Accordingly, if the government is committed to bringing back effective strategic planning, this will not be achieved through the duty to cooperate alone.</p>
13	<p><b>Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?</b></p>	<p>Unsure - this will be dependent on the specific measures and mechanisms the government introduces to facilitate strategic planning and address key spatial issues. It is too early, at this stage, to say what changes to the tests of soundness will be necessary and further guidance from central government will be required in terms of local plans that are to be prepared under the new LURA process, rather than under transitional arrangements.</p>
14	<p><b>Do you have any other suggestions relating to the proposals in this chapter?</b></p>	<p>Yes – the one thing that is very noticeable in complete absence from both the draft new NPPF and associated recent communications from central government concerning the topic is the lack of any reference to the crucial role that the development industry, national housebuilders, and large landowners have to play in addressing the housing crisis.</p> <p>There is not one comment or proposal anywhere within the lengthy consultation document, the 106 consultation questions, the draft NPPF, the Chief Planner's letter, or the Ministerial Statement that makes any attempt to address the significant issue for a large number of councils (who are doing all they can to boost supply and meet housing targets through plans and planning permissions), which is that the development industry is simply not building at the rates required for the government's ambition of <i>'turbocharged growth'</i> to be achieved. This is completely out of the control of local authorities but, under the proposals, they are to be further penalised.</p> <p>The inaugural Planning Portal Market Index found that, nationally, more than a million homes granted planning permission since 2015 (for the period up to May 2024) have not yet been built. This equates to around a third of the total given the green light over the period. The</p>

		<p>report acknowledges that time lag between permission and implementation/occupation, but the figures cast doubt on the near-exclusive focus on boosting housebuilding numbers through changes to the planning system alone and simply upping housing numbers in the hope that the development industry will deliver them.</p> <p>The report says that planning applications over the first five months of 2024 were at their lowest level since 2020 and have been decreasing nationally. This evidence tallies with our experience at Arun where the total number of planning submissions has been falling fairly substantially in recent years and has not had the anticipated strong 'bounce-back' following the end of the Covid-19 pandemic. This further calls into question the scope for housebuilding numbers to recover sufficiently to meet the government's ambitious target of delivering 1.5 million new homes over the next five years, which would require performance far outstripping that experienced over recent times.</p> <p>The data in the Planning Portal report suggests that, had all homes granted planning permission been built the previous government's target of building 300,000 new homes a year would have been achieved in eight of the last 10 years. The figures would appear to indicate that only focusing on the planning system in the political debate around housing is misplaced, because, until recently, planning permission was being granted by local authorities across England and Wales for enough new homes to meet the government's housing targets.</p> <p>The data suggests policymakers need to look more widely at the factors impacting on the commencement and completion of homes for which planning permission has been granted. If there are going to be no proposals to ensure that housing is delivered at the required rates by the development industry where there are no constraints to doing so, then housing targets for local authorities must be realistic and achievable within the powers they have.</p> <p>The number of residential planning permissions being granted, whilst clearly an important factor, is only one part of the picture and it is considered the other barriers to delivering new homes need to be properly recognised and addressed. It must be accepted that simply granting permission for more dwellings is not in itself a 'silver bullet' and as there can be no</p>
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guarantees that these permissions will be built out at the speed required to meet the target of 1.5 million new homes over the next five years. The clear evidence points to the contrary.

In Arun, the evidence follows the national picture. Whilst we must acknowledge that the council has been unable to either meet the annual Housing Delivery Test or demonstrate a 5-year housing land supply against our high target for a number of years, the data indicates that the main problem lies not in the amount of planning permissions, but rather the pace at which permissions are being built out within the district. This is illustrated in the table below.

Commitments and Annual Residential Permissions vs Completions, Year-on-Year



\*2023/24 figures are preliminary only and potentially subject to change

This clearly shows that net housing completions in Arun have, by some considerable margin, failed to keep pace with the number of planning permissions and commitments for residential development. Despite a recent slight increase in the number of new homes being delivered

		<p>over the past two years, the number of 'live' permissions within Arun far outstrips the ability (or desire) of the development industry to build these approved schemes out.</p> <p>The above demonstrates the problem does not simply lie with the number of planning permissions being granted by the council and that Arun is more than playing its part in seeking to ensure delivery of the requisite numbers of dwellings. The development industry now needs to play its part too.</p> <p>A holistic approach is required to address the housing crisis. Simply amending the NPPF without tackling or challenging the other blocks to delivery of the number of new dwellings required across the country will lead to poor outcomes and will not achieve the government's overall ambitions in this regard.</p>
15	<p><b>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?</b></p>	<p>No – the outcomes of doing this are clear from the revised published housing requirements and have resulted in some massive increases for areas of the country that are ill-equipped to deliver on these, due to various constraints, whilst significantly reducing the necessary contribution from London Boroughs and large metropolitan areas. Whilst the desire for all areas to contribute a share of the national total proportionate to the size of their current housing market is noted, this is an overly simplistic approach. The change in methodology is significant, with projections no longer tied to population projections. It is considered that housing need is better assessed against local population projections than existing housing stock.</p>
16	<p><b>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</b></p>	<p>Yes – we believe that using an average figure for the workplace-based median house price to median earnings ratio is likely to result in a more consistent figure for use in the calculation of the baseline.</p>

	<b>appropriate?</b>	
<b>17</b>	<b>Do you agree that affordability is given an appropriate weighting within the proposed standard method?</b>	<p>No – in the south-east of England an increase in house building over recent years has not impacted house prices enough to improve levels of affordability to any meaningful degree. We do not believe that simply increasing supply locally will have any significant effect on house prices within our district and there is limited evidence to back up this hypothesis. It is our experience that housebuilders will choose to hold back supply rather than continue building to sell less than existing market value. It is this that suppresses market availability and keeps house prices high, rather than an absence of commitments.</p> <p>Affordability needs to be tackled through measures other than simply building additional homes and to simply lay the blame for the housing crisis on insufficient allocations and permissions coming through the planning system is misguided, as the evidence in our response to question 14 suggests. We are sure that Arun is not the only Council in the country where our commitments far outstrip the rate of delivery by the construction industry and simply allocating more land for housing will not solve the problem. Positive interventions and actions to accelerate housebuilding through effective measures directed at landowners, developers and the construction industry are needed in tandem with these enhanced housing targets.</p>
<b>18</b>	<b>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?</b>	<p>No - we do not consider that simply applying a greater Local Housing Need number will have any significant influence on affordability whatsoever within our district. We do not consider factoring in evidence on rental affordable would alter this position to any meaningful degree and would only add further complexity to the calculation.</p>
<b>19</b>	<b>Do you have any additional comments on the proposed method for</b>	<p>Yes – the proposed removal of the cap to limit the increase in the number of required dwellings per year, alongside the proposed standard method significantly increasing the housing requirement for many LPAs, will mean that many councils are unable to achieve</p>

	<b>assessing housing needs?</b>	<p>supply for a significant period. This especially applies to those areas, such as Arun, where there are significant constraints that require infrastructure to be unlocked first (e.g. wastewater, flood risk mitigation, and education) and where housebuilding is already very slow, despite there being a very healthy number of buildable commitments (see response to question 14).</p> <p>Given the importance placed on LPAs in taking a plan led approach to development, there should be a suitable transition period to allow for planned schemes to come forward rather than allowing speculative development on isolated sites with no supporting infrastructure being permitted, simply because an arbitrary HLS that does not pay due regard to development constraints cannot be achieved. Such a dramatic increase in housing targets can only be achieved alongside the investment in infrastructure necessary to support this.</p> <p>We consider the ability and capacity of local housing markets to be able to absorb and sustain new housebuilding also needs to be taken into account when identifying housing targets for the various authorities. However, the draft revised NPPF and consultation documents remain relatively silent on the topic of market absorption. In the case of Arun, to achieve the actual requirement under the current Standard Housing Methodology would require a housing growth rate rise of 1.6% (of total housing stock), and under the new methodology this growth rate would need to be even higher.</p> <p>A Market Absorption Study undertaken on behalf of the district in late 2022 identified that for the previous 20 years, average housing growth rates were 0.8% (of total housing stock) in Arun - rising slightly to 0.9% over the 8 years up to 2022. The Study noted that the growth rate required to meet the standard methodology would be significantly above the national rate prevailing at that time (1.1%), as well as being higher than housing growth rates currently being seen in the neighbouring authorities of Mid-Sussex &amp; Horsham, and the Study, therefore, concluded that meeting this would be challenging.</p> <p>There are real reservations about how realistic these rates of growth are in terms of achievability and simply allocating more residential sites does not mean that the market will necessarily be able to absorb all this additional housing or will actually deliver it. When you add in other factors currently slowing housing delivery, such as high interest rates for</p>
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		<p>borrowing, skills shortages in the UK construction industry and the limited availability of building materials, the challenge appears greater still.</p> <p>Furthermore, the proposed new standard method for calculating future housing need is deemed to be overly confusing for many people to comprehend. In view of the fact that applying an affordability factor does not truly reflect the true picture of the housing market in the UK (in that in some areas, such as the SE, simply adding more housing is not likely to reduce over house prices to a level where they are affordable to the majority), if the government is wedded to the idea of using existing housing stock as the starting point, rather than future housing projections, it would be clearer and less ambiguous to just apply a standard growth-rare multiplier to existing housing stock numbers. This would still have the effect of ensuring all parts of the country play their part in tackling the housing crisis but would avoid situations where the numbers of new homes required in some particular authorities, are massively skewed by the affordability quotient to a level that is never going to be achievable.</p> <p>Finally, we note this is the third new NPPF in the space of one year. Whilst we understand that the new consultation is somewhat inevitable given the recent change in leadership of the country, one of the key factors in helping to ensure the construction industry and land transactions can perform effectively is stability and certainty. We would, therefore, ask that once the new system/processes/policies have been put into place, they are given a proper amount of time to establish to see if they have the desired impact. Chopping and changing policies is not conducive to effective planning, either for developers or local authorities.</p>
20	<p><b>Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?</b></p>	<p>Yes – we welcome the strengthening of the policy requirement to use previously developed land effectively. However, in reality this authority already gives significant positive weight in the overall planning balance in decision-making where previously developed land is concerned, so it remains to be seen whether this proposed change will have any significant positive impacts in terms of delivering sufficient additional housing to meet targets.</p>

21	<b>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?</b>	Yes – Arun does not have any Green Belt, as this is primarily focused on larger urban areas of the country, where there are often likely to be greater opportunities for employment and access to services. The proposal to allow the development of previously developed land in such areas is broadly supported, provided the overall aims and purposes of including the land within the Green Belt in the first place are not materially compromised.
22	<b>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?</b>	<p>Yes - we are concerned about the proposals to bring areas of hardstanding and glasshouses into the definition of Previously Developed Land. Arun has an established, strong horticultural sector and this suggested change introduces a real risk both to the local economy and to UK food production and food security at a time of great international instability. If glasshouses are to be specifically brought into the definition of PDL, permission should only be granted for redevelopment for other purposes where it is clearly demonstrated that the land is no longer required or unsuitable for horticultural purposes.</p> <p>The expansion of the definition to hard standings, similarly, is likely to lead to ad hoc permissions being granted for development on unsuitable rural sites, thereby eroding the countryside and the environmental contribution it makes.</p>
23	<b>Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?</b>	No comments or suggestions.
24	<b>Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?</b>	No comments or suggestions.

25	<b>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?</b>	No comments or suggestions.
26	<b>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?</b>	No comments or suggestions.
27	<b>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?</b>	No comments or suggestions.

28	<b>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?</b>	We support the principle of using previously developed land first, where Green Belt land release is proposed, provided that other tests of sustainability are met.
29	<b>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?</b>	Yes – the role and function of Green Belt designation should not be fettered.
30	<b>Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?</b>	No comments or suggestions.

31	<b>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?</b>	No comments or suggestions.
32	<b>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?</b>	No comments or suggestions.
33	<b>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?</b>	No comments or suggestions.

34	<b>Do you agree with our proposed approach to the affordable housing tenure mix?</b>	No comments or suggestions.
35	<b>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?</b>	No comments or suggestions.
36	<b>Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?</b>	No comments or suggestions.
37	<b>Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local</b>	No comments or suggestions.

	<b>planning authority policy development?</b>	
38	<b>How and at what level should Government set benchmark land values?</b>	No comments or suggestions.
39	<b>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?</b>	If this suggestion were to be rolled out to land outside the Green Belt at a later date, we would ask that this is the subject of further public consultation.
40	<b>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?</b>	No comments or suggestions.
41	<b>Do you agree that where viability negotiations do occur, and contributions</b>	Yes – we consider that viability negotiations, be they in relation to Green Belt or other land lying outside the Green Belt, should generally be subject to late-stage viability reviews to assess whether further contributions are required. The appropriate mechanisms for securing

	<b>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?</b>	this should be set out in National Planning Practice Guidance to ensure a level of consistency, thereby providing more certainty for landowners and developers in negotiating land values at the outset. This should lead to better planning outcomes.
42	<b>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?</b>	No comments or suggestions.
43	<b>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</b>	No comments or suggestions.



	<b>arrangements we should consider, including, for example, draft plans at the regulation 19 stage?</b>	
<b>44</b>	<b>Do you have any comments on the proposed wording for the NPPF (Annex 4)?</b>	Yes – we are supportive of the wording in Annex 4 in relation to viability in relation to Green Belt release and benchmark land values, particularly criterion 2, which says that when determining planning applications, if land released from Green Belt is transacted above the benchmark land value and cannot deliver policy-compliant development, then planning permission should not be granted, subject to other material considerations. However, we would question why this proposed approach is only being geared towards land in the Green Belt and is not proposed to apply to the release of <b>all</b> countryside land. This appears to be a missed opportunity, as viability arguments are not uniquely an issue for development within the Green Belt (GB). We consider that the principles eschewed in Appendix 4 should be more widely applied through the NPPF and associated Planning Practice Guidance and should not only be limited to GB land.
<b>45</b>	<b>Do you have any comments on the proposed approach set out in paragraphs 31 and 32 (of the consultation document)?</b>	No comments or suggestions.
<b>46</b>	<b>Do you have any other suggestions relating to the proposals in this chapter?</b>	No comments or suggestions.
<b>47</b>	<b>Do you agree with setting the expectation that local planning</b>	Yes - these proposed revisions are broadly supported as it is agreed that the delivery of affordable homes (AH) should be based upon local need rather than nationally set requirements and that there is an identifiable and demonstrated need for homes for Social

	<p><b>authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?</b></p>	<p>Rent. The consideration of need for social rented accommodation is already a key component of the LPAs housing needs assessment, and the importance of focusing on this form of need is emphasised in that assessment.</p> <p>Viability considerations are, however, a significant barrier. Registered Providers will struggle to afford to increase provision based on the current delivery/funding model, which must be addressed if more homes for social rent are to be delivered. Accordingly, It is disappointing that the NPPF contains no policies to seek to address known issues within the housing market that are currently stifling the delivery of affordable housing on many new sites in the South-East as developers have struggled to find Registered Providers (RPs) to take on Section 106 affordable housing on both small and larger sites, due to issues such as financial constraints, lack of grant funding, and existing housing stock refurbishment.</p> <p>The Written Ministerial Statement set out that the aim of the NPPF changes would result in an increasing supply of affordable housing. However, there are no substantial proposals to do this other than the substantial increase in overall housing numbers and allowing increased flexibility in the mix of affordable housing to be provided, which we already have. The issue of 'right to buy' also needs to be considered as this can lead to situations where affordable housing is provided as part of a new development, but later lost from the available pool of AH required to meet identified local need.</p>
48	<p><b>Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?</b></p>	<p>Yes - The delivery of affordable homes should be based upon local need rather than nationally set requirements. The removal of this requirement is supported as it would allow enhanced flexibility for local authorities to provide the right mix of tenure to meet their own identified local needs.</p>
49	<p><b>Do you agree with removing the minimum 25% First Homes requirement?</b></p>	<p>Yes - First Homes are not an affordable product for most residents within the Arun District. Additionally, it is considered that the previous NPPF policy requiring 25% of all AH to be provided as First Homes may have displaced the delivery of more traditional forms of affordable housing within the district. Therefore, the removal of the First Homes requirement is broadly supported, as it will provide greater flexibility to be able to meet local needs.</p>

		Nevertheless, it should be noted that First Homes and Shared Ownership schemes can contribute to a mixed tenure development and help to meet an existing housing need in Arun where property prices continue to be unaffordable for many aspiring homeowners. Shared ownership properties have also been used to assist in cross subsidising the provision of affordable rented housing on other sites in appropriate cases.
50	<b>Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?</b>	No comments or suggestions.
51	<b>Do you agree with introducing a policy to promote developments that have a mix of tenures and types?</b>	Yes -housing needs should be based upon locally assessed need and as such any policy should make it clear that the local needs assessment is the overriding consideration when it comes to the proposed mix on site.
52	<b>What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?</b>	To enable the provision of social rented housing, the government will need to support providers of this tenure with long term funding. This funding will need to include grant for S106 social housing properties. The existing S106 requirements to provide affordable housing on development sites with planning permission cannot presently be met by Registered Social Landlords in Arun and until this issue is addressed developments will continue to stall.

		We consider a balance in terms of social rented and home ownership products will continue to be necessary to encourage investment by RLS's in S106 schemes and in maintaining viability for developers.
53	<b>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?</b>	A maximum of 20 dwellings would seem a reasonable scale for a development of a single tenure. Consideration should be given to measures to ensure integration of these developments with existing communities.
54	<b>What measures should we consider to better support and increase rural affordable housing?</b>	The issue Arun mostly faces in respect to rural affordable housing is a lack of willing Registered Providers to take such sites on. This is not believed to be down to inadequacies in the planning system, rather a result on market failure and the fact that rural providers will typically have a minimum threshold of dwellings they are prepared to take on and the model does not readily lend itself to smaller sites.
55	<b>Do you agree with the changes proposed to paragraph 63 of the existing NPPF? (to include explicit reference to the needs of looked-after children being assessed and included in planning policies).</b>	Yes - the change to explicitly reference the needs of 'looked-after children' should ensure the issue is given greater attention within housing needs assessments and in Local Plan policy preparation.

56	<b>Do you agree with these changes? (to strengthen support for community-led development).</b>	Yes - strengthening the support for community-led development is welcomed but we consider that in reality, such schemes will be small scale in nature and are unlikely to make a meaningful contribution to meeting the district's overall housing requirement, as set out in the standard methodology.
57	<b>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?</b>	No - we have no specific views on the included definition of affordable housing for rent.
58	<b>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?</b>	<p>Yes – we acknowledge that small sites play an important part in overall housing delivery, and many of these come forward as windfall development. However, allocating significant numbers of small sites is often difficult in rural areas, as much of the land availability is not well connected to urban areas and there are significant costs involved in ensuring necessary infrastructure can be provided to remedy these deficiencies. The issue varies considerably dependent on the nature of the local plan area, and so whilst it should be encouraged, there should not be a mandated fixed requirement, that a local planning authority would not then be able to meet. The caveat allowing less than 10% in some cases should be retained for flexibility and we do not advocate taking a more stringent approach. Smaller sites may not be of sufficient size to justify specific allocations in a strategic DPD, such as a local plan, but we already are seeing a large number of such sites coming through in Neighbourhood Plans (NP) and a greater focus on/support for the NP process could provide an effective route for delivery.</p> <p>We consider the caveat allowing less than 10% in some cases should be retained for flexibility. Distinguishing between small and medium sites would not be particularly helpful and the consultation does not provide any clarity in about what size of development would</p>

		be considered to fall in each of these definitions. Authority specific small site-strategies may help in meeting the target but there could be a cost/time impact in this.
<b>59</b>	<b>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?</b>	<p>Yes – we consider that reference to well-designed buildings and places should definitely be retained as this lies at the heart of good planning. We agree with the proposal to remove reference to the terms ‘beauty’ and ‘beautiful’ from policy matters concerning design and character - albeit we note the word beautiful still appears in new paragraph 128, presumably as a result of a drafting oversight/error? The term “beautiful” (in relation to planning) is a subjective one, unlike, say, the term “good design.” It is difficult to define and pin down as beauty is, of course, in the eye of the beholder. We are pleased to note that the revised NPPF still, rightly, notes that the creation of high quality and sustainable buildings and places is fundamental to what the planning and development process should achieve. We hope that Planning Inspectors will properly weigh this particularly important requirement into the balance, even in cases where a 5YHLS cannot presently be demonstrated.</p> <p>Proposed developments in our district have not been noticeably more beautiful over the period since the terms ‘beauty’ and ‘beautiful’ were introduced to the NPPF and it is felt the removal of this term from the NPPF will not have any meaningful effect. It is, therefore, not opposed.</p>
<b>60</b>	<b>Do you agree with proposed changes to policy for upwards extensions?</b>	<p>Yes – although we would suggest that the explicit reference to ‘mansard roofs’ should be dropped altogether as being too specific and unnecessary. We do have concerns regarding the proposed deletion of the word ‘height’ from this paragraph, as clearly an extended building that is disproportionately taller than it environs could be visually unacceptable, albeit we welcome the fact that some protection to character and appearance is still afforded by the reference to development involving upward extensions needing to be consistent with the prevailing form of neighbouring properties and the street scene.</p>

61	<b>Do you have any other suggestions relating to the proposals in this chapter?</b>	<p>Yes - the issue of achieving high standards of design is not simply one that can be addressed through some words in either national or local design policies. The main problem Arun has faced is that we have tried to resist unimaginative, ill-conceived and low-quality designs, but such development still often gets allowed on appeal in spite of national policy and guidance on the basis of it not being bad enough to refuse. Accordingly, there can be a reluctance by authorities to challenge instances of poor design as they do not have the confidence that refusals will be supported by Inspectors. This situation is particularly apparent in cases where local authorities cannot demonstrate a 5-year housing land supply, whereas we would argue that just because housing targets are not being met, this should not give an excuse for allowing poorly designed developments.</p> <p>In regard to this matter, the inclusion in paragraph 11 d) (ii) of particular reference to the “design of development” as being a factor that would potentially be an adverse impact that could significantly and demonstrably outweigh the benefits of granting permission is welcomed.</p>
62	<b>Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?</b>	<p>Yes – we support the general thrust of this Chapter as whole and the need to identify sites for modern economy needs, including laboratories, gigafactories, data centres, digital infrastructure, freight, and logistics (albeit these are currently undefined in policy), through the proposed changes to paragraph 86 b) and 87.</p> <p>It is specifically these matters that the NPPF consultation refers to when it talks about improving the delivery of infrastructure and the proposed changes aim to support modern businesses, recognising the shift toward tech-based industries and the expansion of the logistics sector. However, this doesn’t relate to what most of our residents would naturally term as being ‘essential infrastructure’ associated with planning applications, for example education, health, leisure, transport enhancements, etc.</p> <p>In response to questions raised at a Ministry of Housing, Communities and Local Government webinar on the proposals, a written reply on this matter simply stated the government is <i>‘introducing a wider set of growth-focused interventions that will help us build more homes in the places that people want to live in, supported by the right infrastructure like schools and GP surgeries.’</i> However, there are no meaningful new proposals published</p>

		in the NPPF consultation that would help ensure that developments are supported by this type of infrastructure, and we consider this to be a missed opportunity that should be rectified in the final Framework document.
63	<b>Are there other sectors you think need particular support via these changes? What are they and why?</b>	See response under question 62. Furthermore, to support the growth of the economy we need sufficient employment land and the loss of serviced or allocated employment sites should be resisted. We would like the NPPF to address this important issue. In Arun District, a third of our workforce out-commutes and simply adding more housing with no comparable increase in employment will make that worse. The result is more congestion, which is harmful to productivity, to the economy, and to the environment (through added emissions), and is likely to lead to an increased demand for more expensive transport improvements.
64	<b>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 (Nationally Significant Infrastructure Projects) consenting regime?</b>	Yes – In principle the drive towards encouraging these types of high-tech businesses is welcomed, however, as with all significant development the impacts on the environment and sensitive receptors must be carefully considered, whether that be through the NSIP consenting regime, or otherwise.
65	<b>If the direction power is extended to these developments, should it be limited by scale, and</b>	Yes – we consider the direction power should be limited by scale, but Arun’s own experience of the NSIP process to-date is fairly limited and we, therefore, cannot recommend an appropriate scale.



	<b>what would be an appropriate scale if so?</b>	
66	<b>Do you have any other suggestions relating to the proposals in this chapter?</b>	No comments or suggestions.
67	<b>Do you agree with the changes proposed to paragraph 100 of the existing NPPF?</b>	Yes – we support the proposed inclusion that significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure (e.g. further education colleges, hospitals and criminal justice facilities) when considering proposals for development, albeit these benefits will still need to be weighed in the balance with other environmental and planning considerations.
68	<b>Do you agree with the changes proposed to paragraph 99 of the existing NPPF?</b>	Yes - we agree with the proposal to make explicit reference in the NPPF to give great weight to the need to create or expand early years and post 16 facilities (as well as schools) in the preparation of plans and decisions on planning applications. We agree that access to affordable childcare and establishing a workforce equipped with the skills necessary for the future are important goals that should be supported through the planning system.
69	<b>Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?</b>	<p>Unsure – We consider that the government should be engaging directly with the relevant highway authorities and bodies in respect of the ‘vision led approach to promoting sustainable transport modes’ that is now proposed to replace the more simplistic ‘predict and provide’ model. Further clear guidance from the government on this new policy approach will be essential.</p> <p>In assessing ‘severe impact’ in relation to transport, we consider account needs to be taken of the cumulative impact with potential future impacts from development and this should consider development committed in a Local Plan and the expectation that local authorities will now be required to meet the 5-year HLS targets (based on much higher housing delivery figures) <u>at all times</u>. The impacts of this additional housing on both the strategic and local road network must not be underestimated and it is considered that much greater central funding for supporting active travel and public transport, as an alternative to the private car,</p>

		will be needed if gridlock (and the consequential detrimental economic impacts of this) are to be avoided.
70	<b>How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?</b>	Significantly greater focus to be placed on supporting active travel initiatives through the planning process.
71	<b>Do you have any other suggestions relating to the proposals in this chapter?</b>	No comments or suggestions.
72	<b>Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?</b>	Yes – on the proviso that environmental and sensitive landscape considerations are taken fully into account through the NSIP process, together with the impacts on local residents (e.g. noise disturbance)
73	<b>Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?</b>	Yes – we agree that applications for all forms of renewable and low development should be generally supported through the planning system, and also that significant weight should be afforded to a proposed development's contribution to renewable energy and a net zero future.
74	<b>Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy</b>	Yes – sensitive habitats such as these should be adequately protected to ensure their continued, crucial role in locking away carbon.

	<p><b>development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?</b></p>	
75	<p><b>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?</b></p>	<p>Yes – it is considered that local planning authorities are capable of considering applications for wind farms up to 100MW, although further technical guidance to support LPAs in this would be welcome. Raising the threshold should reduce the number of onshore wind projects that are subject to the NSIP regime and could ensue speedier planning decisions and rollout, thereby positively contributing to carbon reduction aims.</p>
76	<p><b>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?</b></p>	<p>Yes – this threshold change should result in faster consenting for appropriate solar projects around the country.</p>

77	<b>If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?</b>	Not applicable – we consider the proposed revised thresholds of over 100MW for onshore wind farms, and 150MW for solar projects to be considered ‘Nationally Significant’ are appropriate (see our responses to questions 75 and 76).
78	<b>In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?</b>	<p>Climate change considerations should be at the heart of policy making and planning decisions, whereas the NPPF (as proposed to be revised under this consultation) is disappointingly quiet on this important subject. Updated guidance is badly needed.</p> <p>Disappointingly, the consultation is another missed opportunity to really push for higher standards for new build dwellings in response to climate change pressures. The NPPF could include reference to the benefits of applying a ‘fabric first’ approach to building design and specify a requirement for all new housing to be provided with renewables (solar gain measures, air/ground source heat pumps, etc), rather than, as is the case presently, this being left to the Building Regulations, which have lagged well behind recent advances in such technologies, that are becoming more and more affordable and widespread.</p> <p>Stricter requirements (through conditions) should be placed on building conversion schemes that are otherwise permitted development to ensure these play a role in addressing climate change and mitigation through carbon reduction/net zero. Greater focus should be given in the NPPF and Planning Practice Guidance to the very real issue of surface water flooding, which is faced by a great many local authorities.</p>
79	<b>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</b>	Our experience of these types of tools is very limited, and it is considered that we presently do not have the in-house expertise needed to use them effectively. If there is a drive to roll them out more extensively, greater directed support to local authorities on this from central government will be essential.

	<b>the challenges to increasing its use?</b>	
<b>80</b>	<b>Are any changes needed to policy for managing flood risk to improve its effectiveness?</b>	<p>Yes – like some other parts of the country, Arun suffers greatly from the risk of coastal and fluvial flooding, yet the proposed increase in the annual housing target is based solely on a calculation against existing housing stock and does not properly take into account significant constraints such as this.</p> <p>Our fear is that more allocations/permissions for housing will be made in areas of higher flood risk. Greater consideration needs to be given in decision-making (including by the Planning Inspectorate) of future flood-risk projections over a longer period and we cannot afford to take a short-termism approach to such an important issue.</p>
<b>81</b>	<b>Do you have any other comments on actions that can be taken through planning to address climate change?</b>	No further comments or suggestions.
<b>82</b>	<b>Do you agree with removal of this text from the footnote? (footnote 64)</b>	<p>No -whilst the footnote does still, thankfully, confirm that areas of poorer quality land should be preferred to those of a higher quality, the proposed removal of specific reference to the role that agricultural land plays in food production seems to be unnecessary and rather short-sighted given the current global instability in areas that make a substantial contribution to the world's food demand and could undermine the UK's food security. Removal of this part of the footnote will further reduce the weight afforded to the protection of higher-grade agricultural land and will lead to it being targeted by developers.</p> <p>It is disappointing that the new draft NPPF has not sought to strengthen the protection for high grade agricultural land in agricultural use. Doing so could have given national food security significantly more weight as a policy or material consideration in the planning process.</p>

83	<b>Are there other ways in which we can ensure that development supports and does not compromise food production?</b>	Yes – we recommend that the government reinstates this part of the footnote that requires the availability of agricultural land for food production to be considered in deciding what sites are most appropriate for development. Further practice guidance should also be provided to local authorities and the Planning Inspectorate as to how they should properly weigh the availability of agricultural land when making planning decisions.
84	<b>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?</b>	Yes – this is an important issue that we consider needs to be addressed at the national level.
85	<b>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?</b>	No comments or suggestions.
86	<b>Do you have any other suggestions relating to the proposals in this chapter?</b>	Yes – it is crucial that proper consideration is given to the issue of wastewater in the NPPF and future policy guidance for local authorities. At present, the UK planning system is hamstrung by the fact that water companies are legally obliged to permit sewerage connections for new dwellings, even where such systems are insufficient or unfit for purpose. This is believed to be a result of the short-term approach taken by privately-owned water companies, and an apparent unwillingness to invest in the infrastructure upgrades that are necessary to support the level of housing growth envisaged. Where current sewerage

		systems are identified as being unfit for purpose, or under capacity, then we are of the opinion that the legal obligation to permit connections should be removed until such time as these issues have been properly addressed. To this end, it is also considered that the various water companies should be reclassified as statutory consultees in the planning applications process.
87	<b>Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?</b>	Yes - the revised policy criteria appears to be reasonable and would reduce the level of uncertainty as to when Government intervention would be exercised. However, we would wish to stress that the potential removal of plan-making powers from a local authority is a very draconian measure that should only be used in the most extreme cases of failure to get a plan in place or keep it up to date. Clear guidance on the government's proposed approach needs to be given.
88	<b>Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?</b>	Yes – both approaches would appear reasonable in instances of significant underperformance in plan-making and would afford the opportunity for local planning authorities to put forward any exceptional circumstances that they consider should be taken into account in relation to intervention action.
89	<b>Do you agree with the proposal to increase householder application fees to meet cost recovery?</b>	Yes - the principle of increasing householder application fees to meet cost recovery is fully supported and is considered a reasonable approach.
90	<b>If no, do you support increasing the fee by a smaller amount (at a</b>	No - we consider the householder fee should be increased to £528 in line with the current recommendation in the consultation, thereby broadly ensuring cost recovery. We believe this is likely to have little to no impact, in the scheme of things, as to whether someone chooses

	<p><b>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.</b></p> <p><b>If yes, please explain in the text box what you consider an appropriate fee increase would be.</b></p>	<p>to apply for planning permission, given that the application fee is estimated to represent less than 1% of the average overall costs of carrying out the development itself.</p> <p>We do not support increasing the householder fee by a smaller amount (at a level less than full cost recovery) as this would mean that such applications for carrying out extensions, outbuildings and other home improvements, which can often add a significant amount to house values and are for personal gain only (rather than having wider public benefits) will continue to be subsidised by larger developments and council taxpayers. This is inequitable and it is considered only fair that the beneficiaries of that value uplift pay an appropriate fee for the service they are receiving from their local authority.</p>
91	<p><b>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?</b></p> <p><b>Yes</b></p> <p><b>No – it should be higher than £528</b></p> <p><b>No – it should be lower than £528</b></p>	<p>Yes – we agree with the government’s estimate. We certainly do not consider the householder application fee should be set at a lower level than that the government has estimated is necessary to meet cost recovery (£528) and do not consider the current fee for such applications properly reflects the costs to local authorities in processing them. The one-off cost to the applicant in making a submission represents a very small proportion of overall development costs and householders experiencing significant cost of living pressures would be unlikely to be embarking on development projects in any case.</p> <p>Furthermore, the applicant is receiving a discretionary service, and it is not deemed fair that this should be subsidised from other forms of development or by council taxpayers. The legislation already allows for a refund if performance in dealing with an application is not satisfactory.</p>



	<p><b>No - there should be no fee increase</b></p> <p><b>Don't know</b></p> <p><b>If no, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.</b></p>	
92	<p><b>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.</b></p>	<p>Yes - if the householder fee were to rise to £528 the outline and non-outline fee for dwellings on small sites and buildings (not dwellinghouses) would be disproportionately low. This would also apply to categories of the erection of buildings on land used for agriculture, the erection of glasshouses on land used for agriculture, applications for other building works, existing use/proposed use, and prior approvals.</p> <p><u>S73 applications</u> – the fee for these applications is minimal because often the changes are minor variations. However, they are also often applications where full re-consultation is required and where legal agreements may also need to be re-written. Further, case law requires the local authority to consider these applications as full new permissions and so it cannot deal with these applications as a light touch. They will often involve a great deal of work and the fee in no way reflects this.</p> <p><u>Prior approval</u> - the current fee (£120) relating to prior approvals for larger house extensions, additional storeys on a home, agricultural/forestry buildings, demolition of buildings, and various changes of use appears artificially low given the amount of work these submissions can generate for local authorities. We consider the fee should be doubled to £240 – especially if the householder fee is increased to the level proposed in the consultation.</p> <p><u>Discharge of Conditions</u> – the current fee for discharging conditions is £43 in respect of householder permissions and £145 for all other permissions, which we consider is artificially low and does not adequately recognise the level of work this involves. As the fee relates to each submission, rather than each condition for which discharge is being sought, dealing</p>

		<p>with more complex applications where a number of conditions may have been rightly imposed and where specialist input from internal/external consultees may be required, can place a huge and costly burden on local authorities for what is a very small fee.</p> <p>It is considered that fees for discharging conditions should be increased across the board and that there should be greater differentiation in the fees charged for DOC between different application types. We particularly feel that the fee for discharging conditions on Major and other non-householder applications should be significantly increased to better reflect the amount of local authority work that goes into assessing these fully.</p> <p>Furthermore, we believe the government should consider bringing in a set fee <u>per condition</u> for discharge of condition applications (rather than the current single fee per submission, as at present, which can cover requests to discharge multiple conditions). This approach would not only assist resourcing in local planning authorities, thereby helping to speed up the DOC process overall to support the economy but may also encourage applicants/developers to submit higher quality planning applications from the outset, providing greater levels of detail upfront with their submissions to seek to reduce the number of conditions necessary to be imposed on a decision notice.</p> <p>The level of fee needs to be such that it evens itself out over the course of discharging numerous conditions. Some condition discharges may be able to be dealt with very quickly. Other, such as drainage or landscaping proposals, may take many weeks and involve a massive amount of officer time. Currently, this is not covered (or anywhere near covered) by the current fees.</p> <p><u>Listed Building Consent (LBC)</u> - processing applications for LBCs can be every bit as time consuming as for a planning application and will often include the need for specialist input on heritage matters. We consider a fee commensurate with that for a Householder application should be applied to LBC submissions, whether they are accompanied by a further application for planning permission for which a fee is payable, or not.</p>
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		<p><u>Planning Permission for Relevant Demolition in a Conservation Area</u> – please see comments above in respect of LBCs.</p>
93	<p><b>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.</b></p>	<p>Yes – We consider that tree applications, Listed Building Consents and relevant demolition for works in a conservation area should all attract a fee. Such applications all involve a consultation with at least one person e.g. Conservation Officer or Tree Officer as well as a site visit and publicity. This cost is not currently met by applicants and the expense has to be covered by the council. Where a new designation is put in place e.g. a new Tree Preservation Order is made or a conservation area is extended, a possible fee exemption for a short period (1 to 3 years) could be appropriate to reflect the change in circumstances. People buy properties knowing the restrictions on them and the cost of making application would be part of the decision-making process when a purchase is made. Where a Listed Building Consent (LBC) is submitted with an associated planning application the LBC fee could be reduced to 50% of the fee of the associated application. Where not, the fee should at least reflect that of the householder fee.</p> <p>The fee for tree applications should be comparable with that charged for prior approvals. Fees set at this level would reflect the cost of providing the expertise to determine the applications.</p>
94	<p><b>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.</b></p>	<p>Unsure – local fee setting it can be a complicated and time-consuming process for local authorities where resources are already stretched and would need to be based on tangible evidence of processing costs. There would also, inevitably, be an expectation from the development industry that the fees would be reviewed on a regular basis to ensure they genuinely reflect cost recovery only. Furthermore, it would introduce a level of inconsistency and potential confusion for the public and Planning Portal customers and for planning agents, who often work across a number of neighbouring authorities that would all be charging different fees for the same types of development. Having said the above, we acknowledge that some local authorities may find this to be a useful approach to seeking to balance planning budgets in Development Management and, therefore, we would not be opposed to local fee setting being introduced as an option, provided that it is not mandatory</p>

		for all authorities and there is still the ability to apply default nationally set fees, in the alternative.
95	<p><b>What would be your preferred model for localisation of planning fees?</b></p> <p><b>Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.</b></p> <p><b>Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.</b></p> <p><b>Neither</b></p> <p><b>Don't Know</b></p> <p><b>Please give your reasons in the text box.</b></p>	<p>If this was taken up the Local Variation model would be preferred as it would allow each council to choose an appropriate method that suits their own particular circumstances, whilst still enabling the fallback of a nationally-set default fee for those authorities that do not wish to go down the locally-set fee route.</p> <p>A third option would be for appropriate fees to continue to be set nationally for all application types, as at present, with no ability for local authorities to vary from this.</p>
96	<p><b>Do you consider that planning fees should be increased, beyond cost recovery, for planning</b></p>	<p>Yes – we consider that an element of the cost of any application should consider Local Plan and associated document preparation, heritage advice, and the costs of providing an enforcement service. The additional premium should reflect the need for consultation responses from other council services (e.g. parks, drainage engineers, and environmental</p>

	<p><b>applications services, to fund wider planning services?</b></p> <p><b>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?</b></p>	<p>health), but we recognise that it would not be reasonable to raise all existing fees to a level that the full costs of wider planning services are covered as this would place an inequitable burden on applicants. We would recommend that this additional premium is applied to major developments only.</p>
97	<p><b>What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?</b></p>	<p>See response to question 96.</p>
98	<p><b>Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the</b></p>	<p>Yes – the necessary and crucial involvement of local authorities (LAs) as a statutory consultee in respect to development consent orders under Nationally Significant Infrastructure Projects (NSIP) can be a significant drain on time and resources for planning services and it is, therefore, only right that there should be an element of cost recovery funded by applicants. This will help to ensure closer and more meaningful LA engagement in the process.</p>

	<b>Planning Act 2008, payable by applicants, should be introduced?</b>	
<b>99</b>	<b>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.</b>	Provided the involvement of the relevant lower or upper tier local authority is properly recognised in cost recovery, we do not have a strong view about the mechanism for ensuring this. Planning Performance Agreements (PPAs) can be one method but PPAs can involve detailed negotiations and resource/time to prepare effectively. Therefore, we consider it may be preferable for the government to set the fees payable to 'host' authorities at the national level, using averages based on the scale/nature of the NSIP involved – as it already does with general planning application fees.
<b>100</b>	<b>What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?</b>	No comments or suggestions.
<b>101</b>	<b>Please provide any further information on the impacts of full or partial cost recovery are</b>	No comments or suggestions.

	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.	
102	Do you have any other suggestions relating to the proposals in this chapter?	Yes - the recognition from the government that local planning authorities need to be appropriately resourced to provide a high-quality planning service and timely planning decisions to support the priorities for economic growth, infrastructure and housing delivery is very much welcomed and is considered long overdue. Income is, however, only part of the picture as there are only a finite number of planners currently out there and we believe the government should also be considering how entry into the profession and staff retention within local authorities is supported.
103	Do you agree with the proposed transitional arrangements? (for emerging Plans). Are there any alternatives you think we should consider?	Yes – overall, the transitional arrangements appear proportionate and will allow plans that have already reached an advanced stage of preparation not to be unduly delayed. However, with the introduction of the requirement to demonstrate a 5 Year Housing Land Supply (plus 5 or 20%) <b>at all times</b> , and the significantly higher emerging housing requirements - especially in the South East - it is considered that many Local Plans being assessed under the transitional arrangements may, effectively, be considered out of date as soon as they are adopted as their Plan figures will be more than 200 dwellings per annum lower than the new figure. If they are unable to demonstrate a 5YHLS against the new figures, we will see more speculative appeals on unallocated land in less suitable/preferable or sustainable locations. As noted in response to earlier questions, this is a concerning move away from the plan-led system we have been operating in the UK. There is also likely to be a real rush from local authorities seeking to accelerate their Plan preparation to enable them to be examined under the current plan-making regime (rather than under LURA arrangements). We would question

		whether local authorities, and indeed the Planning Inspectorate, are adequately resourced to cope with this, albeit the suggestion that the government will provide direct funding support to help is welcomed.
104	<b>Do you agree with the proposed transitional arrangements?</b>	This question appears to replicate question 103 (see our previous response).
105	<b>Do you have any other suggestions relating to the proposals in this chapter?</b>	No comments or suggestions.
106	<b>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?</b>	No comments or suggestions.





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