

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

[Link to consultation](#)

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Chapter 1 – Introduction

No questions

Chapter 2 – Policy objectives

No questions

Chapter 3 – Planning for the homes we need

Importance of planning to meet housing needs

Advisory starting point and alternative approaches

Question 1

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

On balance this change is supported. The approach set out for assessing housing needs should be consistent and as unambiguous as possible. The previous, 2023 amendment to NPPF created an element of uncertainty about the most appropriate approach for assessing housing needs.

However, there will continue to be circumstances that mean local housing needs based on the standard method are not achievable in some Local Authorities. Logic suggests in these circumstances that cross boundary strategic planning should ensure full delivery across a wider area. However, at this point there is still uncertainty regarding how any shortfall that may be unavoidable in some locations is addressed – particularly where looking to achieve the initial target for delivery by 2029.

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?

Yes, consistency in approach is important. Use of a clear standard methodology can avoid unnecessary and time-consuming work arriving at an agreed Local Housing Need figure. The important point in plan making is to then allow the focus of work to be upon achievability and

deliverability of the defined housing requirements either within the Plan area or elsewhere.

Urban uplift

Question 3

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

Yes, the urban uplift was not based on any meaningful assessment of need and was attributed to urban cores without regard to the operation of those authorities within their wider urban context.

Character and density

Question 4

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

Agree with this change. While the density of new development can change the character of existing areas and in some cases could cause harm, there is adequate wording within paragraph 129 in relation to density.

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?

Design Codes have an important role to help shape new places and it is logical for resources to be focused on creating design codes in areas where there is significant opportunity for growth. However, design codes can also have a role across a larger area (e.g. authority-wide) to manage change and drive-up standards of design. It should be up to the LPA to decide which approach works best in their area.

Strengthening and reforming the presumption in favour of sustainable development ('the presumption')

Question 6

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

Yes, the proposed adjustment to the definition highlights policy related to the supply of land is clearer and less ambiguous. However, the amendment to d) ii. requires account should be taken of the NPPF as a whole and now also highlights specific chapters of NPPF. As currently worded it is unclear whether this is suggesting some parts of the NPPF should be afforded greater weight than others and what the justification would be for having specific regard to the sections identified over other until now equally important parts of NPPF.

Restoring the 5-Year Housing Land Supply (5YHLS)

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 Authority has no objections to this proposal.

Question 8

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

The reference to planning guidance at Paragraph 77 is in relation to the circumstances in which past shortfalls or over supply can be addressed. Ultimately, if it is firmly established that Local Housing Need is a minimum requirement and not a target, it is acknowledged that past over-delivery is not relevant to meeting needs in future years.

Restoring the 5% buffer

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?

The 5 Year Land Supply is a key test that can quickly trigger an assessment that a Local Plan is out-of-date if not achieved. North Tyneside's view is that applying a buffer to calculations regarding the future delivery of housing is appropriate to add a layer of robustness. However, with ambitious Local Housing Need figures and an additional buffer on housing requirements there should not be a requirement for additional percentage-based discounts (for example to allow for lapse rates or other delays) to housing land supply. These should only be necessary if there is evidence of a clear risk to delivery of specific sites included in the five-year land supply. Planning Guidance could usefully be clarified to address this point.

Question 10

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

The Authority is satisfied that 5% is an appropriate buffer and has no evidence available to suggest a different figure would be any more appropriate.

Question 11

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

Yes, the Authority has no objection to removal of Annual Position Statements.

Maintaining effective co-operation and the move to strategic planning

Question 12

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

The proposed amendments regarding effective cooperation are reasonable and agreed. Generally, the approach to managing unmet needs of neighbouring authorities is problematic within the existing planning system – with no clear basis for distribution of such needs between one or more authority and differing plan making programmes.

Overall, this means there can be substantial uncertainty and challenges in reaching reasonable agreement in the re-distribution of housing needs.

Question 13

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

Yes, work is needed to ensure any tests of purely strategic scale long term Plans are appropriate and proportionate to the role of the Plan in question.

This question highlights the importance of clearly establishing an appropriate role and scope for purely strategic scale planning documents.

Without this clarity there is a danger that strategic Plans become bogged down in detail regarding their impacts and delivery and end up significantly delayed or compromised in their ambition.

Question 14

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

North Tyneside welcomes the clarity that the proposals are seeking to introduce and is committed to ensure the development needs of North Tyneside are met. However, the Authority consider that there are a range of challenges if the overall national objective for delivery of 1.5 million homes by 2029 is to be met. This is considered a particular issue for the North of England where the revised methodology has in most cases generated a substantial uplift in housing requirements and the subsequent needs for sustainable infrastructure delivery but face greater viability challenges than some other locations in the south of England.

General observations regarding the proposals in relation to this chapter include:

Timing

Regardless of how fast the planning system may move, it will still take a number of years before a Local Plan is in place in North Tyneside and new planning applications secured to enable the required housing delivery

uplift. Without wider measures to drive forward delivery it is unlikely that the Borough will achieve its net annual requirement within the next five years.

Resources

A rapid acceleration in Plan Making and major planning application consideration requires more resource; both in planning services and consultees within Local Authorities and externally. It is noted the government have committed to recruiting 300 additional planners by 2028 – roughly one planner per Local Planning Authority. Whilst welcome the scale of investment and need for growth is greater than this. Measures to review Planning Fees are also welcome in this regard but risk only covering current costs and not necessarily enabling an expansion in resources.

Infrastructure

Developing the necessary evidence, securing the appropriate agreement, balancing cash flow and reaching agreement regarding viability all take substantial amount of time and expert input and intervention. Meanwhile, key participants such as National Highways (as directed by the resources and policy set for them) prioritise their own policy objectives over the wider needs for growth and often there is an assumption that areas of growth should fund all infrastructure investment – when in practice the investment is necessary to enable and encourage growth. A major uplift in housing delivery, if it is to be unlocked at pace would require significant investment to remove the uncertainty regarding delivery and the viability challenge this creates for developers in areas such as North Tyneside.

Land

New ideas are needed to secure land at acceptable values, to enable both sites to come forward and unlock funding to support infrastructure investment. The proposals included in this consultation regarding benchmark land value, and CPO powers may assist this. Such ideas must be followed through with clear and implementable policy and access to the funding necessary to deliver.

Chapter 4 – A new Standard Method for assessing housing needs

The current standard method for assessing local housing need

The Government's proposed approach

Setting a new headline target

Step 1 – Setting the baseline – providing stability and certainty through housing stock

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?

Yes.

Step 2 – Adjusting for affordability

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

Question 17

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

Yes

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?

North Tyneside see no specific benefits in adding additional complexity to the standard method to have regard to rental affordability. The standard method is based on total housing stock – that be default would include rented housing. An adjustment to have distinct uplifts for both rental and owner occupation may lead to slight changes in the total homes that are needed but there is no particular reason to assume the outcome would be substantially different. As set out the proposed standard method generates a significant Local Housing Need figure that would have a

positive impact on the overall delivery of homes. The specific tenure mix that may be required from that delivery and included in Local Plan policy will be informed by local housing needs assessments and have regard to needs such as affordable and private rented housing.

Result of the revised standard method

Question 19

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

No

Chapter 5 – Brownfield, grey belt and the Green Belt

Being clear that brownfield development is acceptable in principle

Question 20

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

Yes, the Authority agrees in principle that brownfield sites should be prioritised for development. This is presently outlined in the Authority's Local Plan stating, "Plans will help to reduce pollution and the effective use of land by reusing brownfield sites; and discussion noting the brownfield land is "invariably the most sustainable option to meet development needs.

As such, North Tyneside is supportive of bringing forward and prioritising the delivery of brownfield land. This effort would be greatly enhanced if additional funding could be unlocked to support the delivery of known sites where viability is a constraint.

North Tyneside has a good track record of delivering brownfield sites over the last thirty years, but sites that remain often face challenges for their delivery or are not necessarily appropriate locations for housing development. Issues that exist holding up delivery of brownfield land include:

- Viability.

- Prioritising specific forms of development such as employment.
- Site specific constraints – including biodiversity and other factors that make some locations inappropriate for specific forms of development.

By way of example, within North Tyneside the River Tyne north bank includes substantial areas of brownfield land. The sites are often located close to ongoing major industrial operations that create significant noise and amenity issues, when new homes are built nearby, and are in locations adjacent to the river that present major strategic opportunities for investment in low and zero carbon technologies of regional significance.

The Authority has previously and would continuously review the suitability of potential parcels of land in this area to come forward for residential development – but declaring all areas of brownfield land “acceptable for development in principle” if applied to residential development in this area risks undermining a regionally important commercial area and exposing new residents to a poor living environment.

Making it easier to develop Previously Developed Land

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?

Yes, the amendment is agreed.

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?

The definition of PDL has excluded “land that is or was last occupied by agricultural or forestry buildings” because of the ability of such uses to erect further buildings under permitted development rights; the exclusion prevents a proliferation of development in the countryside by such means

over time. Glasshouses would usually come within this category so it is not clear why they would now be considered PDL and become locations that NPPF would support in principle as suitable for all development.

With respect to hardstanding, the existing definition makes the point that while the curtilage of a building is included in the PDL definition, “it should not be assumed that the whole of the curtilage should be developed”. Hardstanding is generally open and do not usually harm the openness of the Green Belt nor the character of the countryside. They can however be very extensive areas and whether they should be developed needs to be considered very carefully. Including them into the PDL definition is considered unwise. They are likely to be considered in the context of Grey Belt.

Defining the grey belt

Question 23

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

Yes, the Authority is generally in agreement with the proposed definition. The definition includes exclusions based on Footnote 7 of NPPF, but the Authority consider some flexibility should be included for review of green belt to also consider exclusions at the local level for sites identified in adopted or emerging local nature recovery strategies and regionally and locally important biodiversity and geodiversity sites.

The wording in NPPF could be clearer in establishing whether there is an expectation that Local Plans that have been prepared with a green belt review should formally designate in policy both Green Belt and Grey Belt boundaries. It is not clear whether grey belt is purely an intermediate term to define sites that are suitable for release from the Green Belt for development or if grey belt is intended to be a policy designation in its own right.

Question 24

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

No, aside from the measures suggested above in relation to wildlife designations the Authority considers that a Green Belt review undertaken in accordance with the new policy framework would identify and protect high performing Green Belt land.

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?

Yes, additional detail to support existing guidance and establish the nature and role of grey belt would be helpful. This should only be in national policy if it sets out new principles. Details regarding interpretation and implementation can be included in guidance.

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?

The 5 Green Belt purposes set out a good basis of what the Green Belt should achieve, proposed guidance seems to set out appropriate considerations for determining if land makes a limited contribution to the Green Belt purposes.

The intention behind defining grey belt land is understood. Establishing at point (a) that grey belt must not perform strongly against any green belt purpose is useful. However, the criteria under (b) in the main overlap with the green belt purposes and are points that should be considered in any event to determine performance against the green belt purposes. As such, whilst these may be useful points to expand upon in Planning Guidance, they do not really expand upon the key point that the parcels must not perform strongly against any green belt purpose.

It is suggested that, aside from considering areas of previously developed land; the guidance regarding grey belt land should focus upon identifying parcels that do not perform strongly against the green belt purposes in

sustainable locations and/or adjacent to existing urban areas that would not undermine the overall role of the Green Belt in each area.

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?

Local Nature Recovery Strategies could look at Green Belt sites which could be enhanced and help protect some areas of Green Belt.

Land release through plan-making

Green Belt reviews

A sequential approach

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?

Yes, this is agreed. Brownfield sites should be prioritised and a sequential approach to inform the release of previously developed land in the Green Belt, where appropriate, before looking at higher performing Green Belt sites is understood. However, it should be clear that enabling the delivery of sustainable development is key and the relative sustainability of sites is given appropriate weighting in any decision-making process alongside prioritising previously developed land.

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?

Yes, agree.

Allowing Development on the Green Belt through Decision Making

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?

The Authority recognises that without such a provision, applying the presumption in favour of sustainable development in areas with green belt has limited impact. As such, the general principle of enabling some development in the green belt through the development management process is agreed.

However, with a substantial increase in Local Housing Needs the potential – particular in this transition period – for a number of authorities to fall below 75% in their HDT result is high. North Tyneside’s view is that either a different threshold, for example a 50% HDT result, should be applied and / or some regard should be given to the proactive steps each LPA may be taking to bring forward a suitable plan to release land from the green belt.

It is understood that the role of the “golden rules” for green belt release may mitigate these impacts somewhat but. However, as proposed, there are substantial risks of extensive ad-hoc unplanned areas of green belt being released for development with limited co-ordination of infrastructure requirements, or regard to wider potential strategic and cross boundary impacts.

Supporting release of Green Belt land for commercial and other development.

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 but in terms of such release taking place outside the plan making process as part of a planning application; other sites that are brownfield land or PDL and existing areas of allocated land should be considered before grey belt. As part of establishing a “demonstrable need for land to be released for development” should include requiring applicants to demonstrate that they have considered other sites and why they are not appropriate.

Planning Policy for Traveller Sites

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?

Yes, it is sensible to apply the same approach to traveller sites.

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?

The evidence base for Local Plans includes Gypsy and Traveller Needs Assessments. Given the complexity and highly localised needs that arise for such households there is no likely suitable alternative to establishing the need for pitches and sites through such a study. The obligation placed upon an LPA to find suitable sites to meet the defined needs of a GTAA report will be sufficient to trigger a green belt review if no other suitable sites outside the green belt are identified.

Golden rules to ensure public benefit

Delivering affordable housing

Question 34

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

Yes, an approach based on ensuring development is mixed tenures is welcomed and reflects North Tyneside's current policy approach. Affordable housing tenure mix will be beneficial as a mix helps to provide a balance. Local authorities being able to decide their own tenure split may be beneficial as what is provided can be most appropriate to residents.

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?

The specific target of 50% affordable homes on Green Belt release sites exceeds current policy in North Tyneside (that is revised down to 25% to reflect the probable viability of development). Government's intention in suggesting 50% of such sites should be affordable – whilst specifically

creating an allowance for viability – is not fully understood. It would be clearer if national policy instead confirmed that affordable housing delivery should accord with local policy for affordable housing and emphasise that to be acceptable schemes should be policy compliant. It is highly likely that any release of green belt land will generate substantial infrastructure demands – that will create a cost burden for developers and may limit the rate of development as various triggers are approached.

Adequate investment and clear messaging to enable these matters to be resolved quickly will be key to ensuring overall delivery and provision of the affordable housing that is need can be achieved.

Delivering improved public access to green space

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?

Yes, agree. This accords with North Tyneside current approach to major development.

Green Belt land and Benchmark Land Values

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?

The Authority agrees that a clear and reasonable approach to setting land value and avoiding protracted negotiations that undermine the ability of LPAs to secure appropriate infrastructure and other developer contributions is welcome.

The suggestion of a range of between 3 times and 10 times existing use value for greenfield sites is recognised. However, house prices vary widely across the country whilst generally average agricultural land value sits at around £25,000 per hectare. Invariably this approach compounds the relative viability challenge for development in lower value areas where the land value consumed a higher proportion of the overall Gross Development Value, and less income is available in general to fund delivery of the necessary infrastructure.

Question 38

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

Answer MC

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?

This sounds appropriate but there are concerns that this increases risk on the part of the development industry and makes it harder to secure land. Whilst there is no reason to assume agreements between parties could not adjust to potential unknowns frequently the costs associated with ground conditions and infrastructure delivery exceed initial expectations.

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?

North Tyneside would not seek affordable housing or any other developer contributions that exceed its policy requirements – it is unclear on what basis any such demand could be made unless policy was already clear that higher affordable housing contributions would be sought where viability allowed.

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?

The Authority agrees that review of the viability of development at later points in a development scheme may be appropriate. However, such late-

stage reviews are not always justified or beneficial. The Authority has no objection to encouraging the use of such tools.

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?

The Authority agreed that there should be appropriate contributions to help improve local or national infrastructure but would note for key industrial or other development the capacity for significant developer contributions is often limited. The other two golden rules are specifically for residential development.

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?

This change should apply to any Green Belt included in adopted plans. As such, the golden rules should draft plans at the Regulation 19 stage and other stages of preparation in the same way as the wider transitional arrangements. The reference to Green Belt release that is no "new" is not fully understood. If this relates to the status of land in currently adopted Local Plan's that has been removed from the Green Belt it would be disruptive to emerging development proposals and/or allocations to alter the policy requirements at this stage.

Question 44

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

Firstly, the Authority considers these principles should apply to all greenfield development sites. Many Local Authorities across England will need to release significant areas of green field land to achieve the housing requirements set for them. This land is equally important and valuable to those locations – it just does not have a historic role in preventing the merging and sprawl of major urban areas.

The principle of giving strong guidance regarding Benchmark Land Value is welcome. However, this must be informed by appropriate understanding of the likely range of suitable values across the Country with evidence the lowest value areas as well as the highest. If one specific figure is to be identified there should also be clear guidance regarding the circumstances in which lower or higher BLVs may be set, and sufficient weight applied to those criteria to avoid the risk of challenge from those who may seek to identify the NPPF BLV as a minimum.

Question 45

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

These chapters set out that where Green Belt land is not released for development it would be available for compulsory purchase. In principle the Authority is supportive of this principle and consider it an important tool in looking to bring forward land. Such measures ideally would assist in bringing forward land at a reasonable value without needing to be implemented. However, to be effective in releasing land quickly it needs to be clear as Local Plans are prepared that the resources would be in place to unlock a site if delays occurred.

Separately, how exactly this would operate through a plan making process is unclear. Typically, if a site did not have landowner support at examination, or a landowner challenged the infrastructure ask applied to a site on the grounds of viability, an Inspector would express significant doubts about its deliverability and therefore its capacity for inclusion in the Local Plan. The certainty that could be applied to potential CPO intervention and funding for infrastructure at this stage would therefore be critical to enabling Plans to progress to adoption with a degree of certainty regarding delivery in the face of multiple scenarios.

Question 46

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

No additional comments

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

Delivering affordable housing

Improving the existing system of developer contributions

Delivering the right mix of affordable housing

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 Authority agrees that the needs of those who require social rented homes should be considered. Currently the Authority's housing needs assessment defines a requirement for social rented housing that is pursued through s106 negotiations. However, the number of social rented homes delivered through all sources has fallen significantly as Registered Providers and Developers prefer to delivery intermediate home ownership and affordable rent through planning obligations. This aligns better with their funding requirements but clearly leads to challenges in delivering the homes required to meet the Borough's needs.

Question 48

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

The Authority welcomes this change removing a prescriptive element of national policy that has no regard or reference to local housing needs.

Question 49

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

The Authority welcomes this change removing a prescriptive element of national policy that has no regard or reference to local housing needs.

Question 50

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

First Homes as a product can have a role in the overall housing mix and affordable housing provision and the Authority is happy to have the option

to delivery First Homes if needs assessments show that there is a requirement and demand for such provision.

Promoting mixed tenure development

Question 51

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

Yes, as stated in the proposed policy mixed tenure sites can provide a range of benefits including tackling anti-social behaviour whilst potentially increasing the overall rate of housing delivery. A potential drawback would be if this required delivery of tenures that aren't necessarily needed within the Borough, but this could be overcome with appropriate regard to the suitable mix.

Presently the Authority has Local Plan policy regarding the provision of a mix of house types, sizes and tenures in accordance with the housing needs assessment. This is drawn upon and referred to developers – however, the genuine weight that can be applied to such policy if presented by a planning application that does not accord with these principles is often limited and undermined by the overall priority to secure housing delivery. As such, whilst welcome it is not clear that this additional wording in NPPF will necessarily lead to a change in the mix of homes brought forward.

Supporting majority affordable housing developments

Question 52

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

Delivery of a high percentage social rented would require grant funding or free/discounted land to be viable. Aside from financial incentive some adjustment to wider planning requirements could be considered – but such principles already exist in the form of exception sites.

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?

Mixed tenure and types would likely be a preference than exclusively social rent/affordable housing therefore it should always be recommended that a site is not solely social rent and affordable housing. If there were to be 100% schemes a maximum site size would be desirable or clear policy, as proposed in relation to question 51, regarding a mix of tenures and types on larger sites.

Other important factors that can assist would be to ensure well designed homes and estates that may help mitigate potential anti-social behaviour and appropriate use of lettings policies.

Question 54

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

No Comment.

Meeting the needs of looked after children

Question 55

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

Yes, agree that the needs of looked after children should be considered.

Delivering a diverse range of homes and high-quality places

Strengthening support for community-led development

Question 56

Do you agree with these changes?

Yes, agree with proposals in relation to groups able to undertake community led housing and removing size limit for community led exception sites.

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?

The Authority would be happy for changes to make it easier for non-registered providers to provide affordable housing. Grant funding for non-registered providers would help increase affordable homes delivery.

Making the small site allocation mandatory

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?

Within North Tyneside's Local Plan, 55% of the sites and around 10% of allocated estimated capacity was on sites of less than 1 hectare. Consequently, the Authority is clear that it is possible to achieve the NPPFs 10% target. However, this specific figure is not considered particularly helpful to robust plan making, in the same way specific % targets for types of affordable housing tenure are not considered necessary within NPPF.

As such, the NPPF should be phrased to clearly promote the allocation of smaller sites and establish that there is an expectation that Local Plans based solely on the allocation of large sites is not acceptable. This should be informed by scrutiny of the land supply and characteristics of overall housing delivery – with the intention of ensuring a higher proportion of small sites are identified than are currently being achieved through planning permissions.

In terms of why, in general insufficient small sites may be coming forward the Authority has the following observations ...

Requirement for allocation

Typically, any smaller site that becomes available for development is likely to be within the urban area or otherwise generally appropriate for development. There is no specific reason why a willing landowner or developer would require or wait for an allocation before proceeding with a planning application.

Deliverability

Sites that may not fundamentally accord with current development principles and require allocation in a Local Plan are likely to face other, wider infrastructure issues. A smaller site of less than 1 hectare – that typically is likely to deliver fewer than 30 homes – is less likely to be able to provide the necessary funding to deliver the infrastructure improvements that may be necessary to unlock development.

Suitability

Smaller sites are more likely to be constrained by other outside factors. Issues such as noise from adjacent uses or impacts upon heritage or biodiversity. Whilst such sites are not necessarily more likely to be exposed to these issues than larger sites, the lesser scale means they are more significant and impactful upon their suitability as locations for development.

Resource

Any given site can present similar challenges when seeking to justify an allocation. A local authority seeking to provide sufficient evidence to justify allocations would reasonably dedicate more time to sites that make a major contribution to housing needs and may have a range of complex infrastructure and viability challenges. Smaller sites are more likely to depend solely on the evidence and resource of the site promoter.

Requiring “well designed” development

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?

The Authority supports the retention of well-designed buildings and places. There are no objections to the removal of ‘beauty’ and ‘beautiful’ as they are problematic because of the absence of a definition and how something so subjective can be measured. They also add little to the importance placed on well-designed buildings and places. If ‘beauty’ and ‘beautiful’ were to remain in the NPPF, then it should define what it is. There are no objections to the minor changes to wording of paragraph 138.

An important component in achieving good design in development is the treatment given to the surfaces, public realm and landscaping. However, there are frequent challenges working with developers to ensure they appropriately meet their conditions on these matters. This can mean for example that it can take many years for new roads to be agreed and adopted by the Authority, whilst enforcement complaints are regularly received about incomplete or poorly implemented landscaping. Dealing with these issues is unduly time consuming and costly. Stronger, more direct powers that mean there are specific cost and / or future planning implications for developers would be welcome.

Supporting upward extensions

Question 60

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

Yes. The proposed change to refer to mansard roofs as one form of upward extension are supported in seeking to achieve the same aim of maximising the use of existing space, whilst providing a greater degree of local flexibility as to how this is best achieved.

Question 61

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

Design codes are a useful tool, but they are not a quick fix to improving design quality. Design codes are time-intensive to produce and once adopted do not reduce the workload for the LPA. More resources are required by LPAs to deliver good design.

Chapter 7 – Building infrastructure to grow the economy

Building a modern economy

Changes to the NPPF to support these modern economies

Question 62

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

The principle of identifying sites that meet the needs of a modern economy are recognised and important. However, the Authority is not convinced that the specific examples given – whilst relevant should be included within this specific paragraph of NPPF itself and should perhaps be either elsewhere within NPPF (perhaps within paragraph 83) discussing generally ambitions for economic growth, the glossary or within planning guidance. Key reasons for this view include:

Change over time –

A quite limited range of activities is likely to be superseded by new priorities and needs over time as the economy and technology moves forward.

Alignment with the needs of local areas –

It is unclear as worded whether the expectation is that every Local Authority should include an allocation for at least one of the uses identified? That does not seem practical or justified by the likely evidence available to many emerging Plans.

Planning use classes – there is limited scope within the current planning system to manage development of land within these specific sectors.

Meanwhile, specifically identifying a site as reserved solely for a data centre or laboratory would require extensive evidence of its probable delivery to be considered justified at an examination.

The Authority considers that LPAs should be directed to identify sufficient land for employment and commercial activities that would support a modern, growing economy. This should enable ambitious identification of sufficient land that exceeds minimum forecast growth across sectors evidenced in LPAs employment land review. Once designated, such sites should be free from the risk of applications for alternative, higher value development including housing and retail for at least five years.

Question 63

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

Advanced Engineering, low carbon, renewable, marine and offshore technology, plus automotive as they are huge drivers of the economy within the North East.

Directing data centres, gigafactories, and laboratories into the NSIP consenting regime process

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?

The Authority has no specific objection to this proposal where conditions in place establish that the scheme in question would be of national significance.

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?

The Authority notes the existing legislation e.g. Planning Act 2008, Infrastructure Planning (Business or Commercial Projects) Regulations 2013 and Growth and Infrastructure Act 2013. Currently the Authority has no specific basis to consider alternative thresholds are required.

Question 66

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

No.

Chapter 8 – Delivering community needs

Public infrastructure

Question 67

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

Yes, agree. There should be a focus on the importance of facilitating new, expanded, or upgraded public service infrastructure when considering proposals for development.

Question 68

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

Yes, appropriate to acknowledge education for both early years and post 16 facilities. However, the specific viability impacts of expanding consideration (and therefore potential developer contributions) to these wider age groups is currently unknown but is likely.

A 'vision-led' approach to transport planning

Question 69

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

We agree with the proposed changes to paragraphs 114 and 115 of the existing NPPF and implementation of vision led transport planning. However, to be implemented effectively this would require support and alignment throughout transport planning, including wider decision-making regarding funding for transport infrastructure and with the objectives and policies of National Highways. The impact of development traffic on the Local Highway Network and where relevant, the Strategic Road Network would still need to be tested to agree any essential highway mitigation, whilst seeking new and improved pedestrian and cycle links. A robust Travel Plan, which promotes sustainable transport would be required for any new developments.

Promoting healthy communities

Question 70

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

National planning policy could support the promotion of healthier communities

(a) through providing a consistent guideline for the restriction of hot food takeaway outlets to prevent overconcentration and restrict access to unhealthy foods. This could include restricting the development of new hot food takeaway outlets within designated commercial areas, as well as near schools and areas where young people congregate.

(b) through encouraging the use of health data (e.g. local statistics of childhood obesity [National Child Measurement Programme]) to inform local policies of the areas where the development of hot food takeaway outlets should be restricted.

Question 71

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

This chapter could explore and provide more clarity on incorporating modes of active travel within local policies in supporting active and healthy communities and new developments.

Chapter 9 – Supporting green energy and the environment

Supporting onshore wind

Bringing onshore wind back into the NSIP regime

Question 72

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

The Authority agrees with the reintegration of large onshore wind projects into the NSIP regime, with an expectation that proposals are determined with regard to their suitability for the location proposed. Updates to planning guidance (and policy if necessary) should be considered to ensure appropriate up-to-date understanding and application of national policy – for example current reference to methodologies to assess renewable energy capacity on the Department for Energy Security and Net Zero appears to date from 2010.

Supporting renewable deployment

Strengthening the NPPF

Question 73

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

We agree with the proposed changes to give greater support to renewable and low carbon energy, it will be important to ensure appropriate local policy and national guidance is in place to enable suitable developments in appropriate locations to proceed quickly.

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?

Enhanced protections on peatland would ensure that these areas are preserved and sustain their role as a natural method of carbon sequestration. Habitats that sequester carbon, contribute to reducing flood risk at a catchment level as well as supporting diverse and unique species are fragile, slow in development and of significant biological and intrinsic value. Compensatory mechanisms for development on peatland, such as re-provision or offsetting, may be difficult to achieve given its nature and therefore is not appropriate. Such areas should be protected from potential harm.

Setting the NSIP threshold for solar generating stations and onshore wind

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?

The Authority agrees with the increase to a 100MW threshold for onshore wind projects. A new capacity threshold would remove the current distorting effect that the 50MW threshold has and encourage additional development at a scale appropriate to each location.

Question 76 agreeance

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?

The Authority agrees with the increase to a 150MW threshold for solar projects. A new capacity threshold would remove the current distorting effect that the 50MW threshold has and encourage additional development at a scale appropriate to each location.

Question 77

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

No comment

Tackling climate change

Question 78

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

National Policy could address climate change through encouraging Local Planning Authorities to give more weight to the incorporation of mitigation and adaptation measures in new developments where appropriate. This could include the provision or re-provision of green infrastructure such as open space to increase a development's carbon capture. Other potential actions that national policy and guidance could support include:

- Creation of local carbon offset funds secured through CIL or s106 agreements.
- Give greater confidence to local authorities looking to impose higher energy efficiency and construction standards for new homes and commercial buildings – and greater scope and guidance for integration of solar thermal, PV, heat pumps into new development.
- Consumption thresholds could be applied as part of assessment criteria.
- Require developers to measure and report on the embodied carbon footprint of proposals as a standard national requirement.

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 are a number of carbon accounting tools available for Scope 1 and Scope 2 emissions (those directly associated with a source) with established methodology in place for Local Authority emissions. Development of these tools for appraisal of planning applications could be considered. The challenge for Local Authorities is development of a consistent methodology to assess Scope 3 emissions – ultimately application of such measures to spatial development defined through the Local Plan if the required steps to achieve net zero are to be achieved.

Question 80

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

No changes identified.

Question 81

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

None identified beyond those matters already discussed.

Availability of agricultural land for food production

Question 82

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

Yes, agree.

Question 83

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

Protecting the best and most versatile agricultural land (grades 1–3a) from development. Local food production is supported whilst in time, subject to the specific challenges facing overall food production, proposed development could consider ways in which developer contributions might be utilised to support enhanced productivity – reflecting farmland’s role as infrastructure.

National Landscapes

Supporting water resilience

Improving the current thresholds for water resources developments in the NSIP regime

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?

Yes, the Authority agrees with the principle of identifying measures to improve the decision-making process for delivery of water infrastructure and provisions in the Planning Act 2008. However, care should be taken to ensure relatively simple schemes can proceed quickly and easily through standard decision-making processes. Some of the

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 other suggestions.

Question 86

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

No other suggestions

Chapter 10 – Changes to local plan intervention criteria

Removal of the local plan intervention policy criteria

Revision of the local plan intervention policy criteria

Question 87

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

The Authority agrees within this proposal.

Question 88

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

No, whilst in practice this may be sufficient it is beneficial to have an established set of criteria so the government's intentions regarding potential intervention are clearly understood.

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

Changes to planning application fees

Proposed fee increase for householder applications

Question 89

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

Yes, the Authority consider this an appropriate increase that better reflects the actual costs associated with such applications.

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.

The Authority is content to agree that an increase to £528 per application is appropriate.

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?

- Yes
- No – it should be higher than £528
- No – it should be lower than £528
- No - there should be no fee increase
- Don't know

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

Yes

Proposed fee increase for other planning applications

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.

Prior approvals

Often more work goes into these than regular planning applications with the addition of checking all the PD rights and consultations.

Variations (section 73)

Applications are effectively a new consent and often involve all new consultations and examinations of the whether or not the changes are acceptable and comparing to previous scheme, taking a lot of officer

time. Again, these schemes should better reflect the cost of the full application.

Where changes to conditions attached to a planning application are sought an applicant pays a flat fee regardless of the number of conditions. This should be subject to an additional charge for each condition.

Discharge of Conditions –

Applications take time and are not straightforward to resolve.

Fees for applications where there is currently no charge

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.

Listed Building and conservation consents; TPO's

These forms of applications carry no fee. The Authority recognises this reflects the relative sensitivity of such activities to potential unlawful works and the benefits of no or low fees to remove potential barriers to seeking permission. However, these forms of applications do incur costs that should be recognised in some way through the fee structure.

Localisation of planning application fees

Model 1 – Full Localisation

Model 2 – Local Variation (from default national fee)

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, the Authority considers local fee setting, whilst apparently beneficial generates challenges both in setting appropriate fees in the first place and in the potential variance that would occur between different Local Planning

Authorities. A nationally set fee, informed by review of the costs experienced by a range of Authority's and consultation, creates a clearer and more accessible system for the public and development industry and a clear understanding of likely income for Local Authority's to work from.

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.

Neither – for the reasons set out in response to Question 94.

Increasing fees to fund wider planning services

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?

Yes – an appropriate minimum increase to account for wider costs would be equivalent to £320 per application.

The Authority considers that to appropriately resource the planning system a whole system approach is important taking into consideration major costs such advertisement (that costs around £60k in North Tyneside), planning policy, planning enforcement and wider services from key consultees currently crucial to the plan making and decision-making process such as biodiversity, highways, landscape and public protection.

Taking a broad estimate of the total costs for this and current average number of planning applications in North Tyneside, we arrive at a minimum uplift of £320 per application. It is assumed in practice any increase would be distributed proportionately in accordance with current distribution of planning fees.

The Authority considers this is the minimum additional funding necessary to enable some reflection of wider costs of the planning service. However, some caution is noted in fully funding this via fees paid by applicants as costs should not be prohibitive, and there should also be a reflection that the planning service fulfils a public duty on behalf of the community as a whole – it is not simply there for the benefit of applicants.

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?

Key services with a direct role in supporting decision making, and plan making crucial to the operation of the planning system locally and should be considered when defining fees include:

Planning Policy and conservation/heritage, Landscape, Highways and Sustainable Travel, Public Protection, Biodiversity.

Cost recovery for local authorities related to NSIP

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?

Yes

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.

In general, funding for the Authority where proposed development is located should be prioritised. Additional considerations should be in place where proposals may cross Local Authority boundaries and where there have been demonstrable requirements for additional input from neighbouring authorities beyond that of a key consultee to the process and planning performance agreements are agreed as an appropriate mechanism for this.

Question 100

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

None identified.

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.

None.

Question 102

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

No

Chapter 12 – The future of planning policy and plan making

Transitional arrangements for emerging plans in preparation

Question 103

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

These arrangements appear appropriate. Given the current status of North Tyneside's Local Plan it is likely that all steps will be undertaken in accordance with the new National Planning Policy Framework.

Based on the figures presented it would appear 65% of all plan making authorities (including joint plan areas) would see an uplift in housing needs of 200 or more dwellings per year. Regardless of the stage of plan making – unless they are already at examination – all these Authorities will be required to revisit their spatial strategy and emerging housing allocations. In some instances, this will require significant work, with the demands likely to be more significant in those areas with the highest uplift in need. The Authority is not affected by this and has no specific objection but would query whether additional thought should be applied to whether increased housing delivery is more likely to be achieved with all Plans at Reg 19 stage to progress to adoption and early review.

Further plan-making reforms

Summary

Question 104

Do you agree with the proposed transitional arrangements?

The need to extend the timeframe before which the new planning system is implemented is understood. However, this extends significantly the period of uncertainty for Authorities such as North Tyneside that will be embarking upon new Plan making process and is likely to be in preparation when the changes come into effect.

The consultation undertaken by the previous government in relation to Plan-making reforms remains our only understanding of how the new system will be implemented and this left a number of areas of uncertainty. Clarification either that the government intends to progress with the July 2023 consultation proposals or undertake further engagement on the system would be welcome. An understanding about key elements of the system that impact programming such as the use of gateway stages, the roll out of the system in waves and how Plans that are not submitted by December 2026 is needed as quickly as possible.

Future changes to the NPPF

Question 105

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

Clearly in practice NPPF operates as de-facto development management policies in a number of instances, and by design where Local Authority's fall under the presumption in favour of spatial development.

Introducing national development management policies should in practice require a fundamental rethink of the structure of NPPF with that document refined into a shorter set of principles and priorities for plan-making, whilst much of the detailed matters within current NPPF are translated to the new National Development Management Policy.

Chapter 13 – Public Sector Equality Duty

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?

No comments