

COUNCIL BUSINESS COMMITTEE

Annex 2: Consultation on the Draft National Planning Policy Framework

Draft Response from Lancaster City Council

Lancaster City Council welcomes the opportunity to respond to the Government's consultation on the new National Planning Policy Framework (NPPF). The responses provided reflect a Council-wide response regarding the proposed content and implications of the new NPPF.

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

No, not as proposed.

Lancaster City Council ('the Council') does support the principle of the use of a single standard methodology in calculating the requirement for housing which allows for a consistent and clear approach for all local planning authorities across England to establish the level of housing provision which is necessary for their area.

However, the Council does not agree with the approach that is proposed. It seeks to reduce the level of flexibility offered to Local Planning Authorities (LPAs) that have significant constraints on delivering development in their area. That includes a greater level of physical and environmental constraints than is described in this consultation. The Council considers that there should be a comprehensive list of the constraints provided in the guidance.

The absence of flexibilities regarding housing delivery will produce a housing figure target for many authorities, including Lancaster, that is simply unrealistic and undeliverable given the constraints that exist. If taken forward, the proposals will weaken confidence in the role and function of the local plan system.

Authorities like Lancaster have significant areas of national landscapes (formerly Areas of Outstanding Natural Beauty), have considerable impacts from European-designated natural sites, and many areas susceptible to flooding. In addition, the district experiences constraints relating to the delivery of major new infrastructure that materially affect the delivery of housing.

The Council does not agree with the proposed changes in respect of Green Belt land. There is concern that the proposed changes tip the balance too far in terms of the LPA's ability to protect high value Green Belt land from development. Further explanation is provided elsewhere in this response.

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, in principle, but the Council does **not** agree with the approach suggested.

The Council welcomes the clarity that the NPPF now proposes in relation to assessing future housing needs.

However the Council is seriously concerned that the approach suggested takes no account of local circumstances in relation to both demographic and economic trends. These are considered to be essential indicators to the needs of a district, and the trends are likely to be more accurate and relevant to the local conditions and circumstances of an area (than the approach being suggested).

The stock-based approach has no such linkage and fails to take account of the local conditions and characteristics. Where numbers have been inflated upwards it risks producing housing numbers that cannot be delivered in respect of the availability of genuinely deliverable and sustainable sites, or the capacity of the market to deliver, or importantly the existence of community need.

The removal of the ability to take local considerations into account is of concern to this Council in its attempts to deliver a robust local plan which seeks to balance the needs to deliver sustainable growth against the need to protect its sensitive and unique environment.

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

As an authority not affected by the urban uplift the Council has no comments to make on this amendment.

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

Yes.

The Council supports the aim to optimise the use of land and increase densities in urban areas, providing that residential amenity is still safeguarded. Paragraph 127a provides sufficient flexibility to ensure that such increased densities are not inappropriate to the character of an area, and therefore deletion of paragraph 130 is supported.

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?

Yes.

The Council would agree that the movement towards a more focused approach in the delivery of design codes would be a welcome change. The role of design coding currently sets too onerous a requirement on LPAs both in terms of the costs incurred in their preparation and the staffing resource they require. It is also not clear of the value of design codes across areas which have a varied and diverse character. Any move towards less spatially-large design codes would be welcomed.

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

No.

The Council recognise that the proposed change(s) to the presumption seeks to provide clarity for users and focuses on the Government's key priority, which is the boosting of housing supply.

However, the Council is concerned that a shift to such a narrow focus on housing supply, coupled with the significant uplift in housing numbers through changes to the standard method will, in reality, mean for many local planning authorities the presumption will be engaged.

The Council agrees with the sentiment (and reality) of paragraph 15 (Chpt 3) of the consultation paper. But the proposed approach will, in the view of the Council, have potentially negative effects for LPAs and effectively disincentivise the plan-making process. This is because the effective engagement of the presumption all the time will devalue the local plan, and its content will always be subject to challenge. Government appears to have either not considered, or under-estimated, the costs of defending planning applications for speculative development (both in terms of staff time and financial cost). Local authority resources will require expansion if the proposals are taken forward in their current form.

The Council, as many others, have seen proposals come forward which are poor in terms of their design, functionality, connectivity, location and their ability to deliver sufficient infrastructure. These proposals have been advanced under the guise of LPA not having a sufficient supply of housing and with the presumption engaged. The Council would agree with paragraph 17 (Chpt 3) of the consultation paper which highlights that an inadequate supply of housing should not result in the acceptance of low quality or sub-standard development. However, the Council do not believe the sentiment set out in paragraph 17 is reflective of the significant change to the presumption and its implications in reality.

The Council note that there is an inconsistency between paragraph 11d)i. footnote 7 which indicates that the tilted balance does not apply to land in the Green Belt, and the proposed provisions in new paragraph 152. New paragraph 152 seeks to undermine the safeguards given to LPAs which have carried out a Green Belt review and allocated land to meet as much of their housing need as possible.

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?

No.

Whilst the Council recognise and support the need to address the undersupply of housing across the Country it does not support the removal of wording contained in paragraph 76 of the NPPF.

As currently worded paragraph 76 states that LPAs that have an up-to-date plan on adoption identified a five-year supply would not be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing.

The inclusion of this paragraph ensures that Local Plans are given the weight that they deserve in making planning decisions, and its retention significantly improves local confidence in the planning system and reduces the resources local authorities are forced to expand in defending speculative planning applications. It also incentivises LPAs to progress local plan-making in a timely manner.

It is difficult to see how communities can have confidence in engaging in the system and trust in the forward planning process if this paragraph is removed.

The removal of this paragraph risks significantly undermining confidence in the forward planning system and fails to recognise the significant work undertaken to prepare a Local Plan. The Council believes that the proposed amendments will only seek to disenfranchise both LPAs and local communities from positively engaging in a plan-led system, which is meant to be a cornerstone of the Government's ambitions around planning system reform.

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

No.

The inclusion of oversupply in future housing land supply calculations is consistent with the treatment of undersupply. The current inclusion of oversupply recognises that the housing requirement is being delivered over the lifetime of the Plan, which at periods may result in both an under and over supply of housing.

Failure to include oversupply undermines those LPAs which have been able to overdeliver their housing requirement early in the plan period and would potential disincentivise authorities from making early gains in housing delivery.

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

No.

The Council has historically included a 5% buffer to its calculations. Whilst recognising the purpose of this buffer in creating additional flexibility it does place an additional burden on LPAs who following the proposed changes will already be facing significant challenges in delivering their housing requirement and in most instances will never be able to demonstrate a five-year supply. The reinstatement of this buffer together with the growth proposed risks further undermining of confidence in the forward planning system with LPAs continuing to be vulnerable to speculative planning applications in the absence of a five-year supply despite having an adopted Local Plan.

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

If required, 5% remains an appropriate buffer. The Council would not support the use of a higher figure.

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

While the ability to confirm and fix a five-year supply position was a welcomed opportunity, the parameters under which this could be achieved were extremely narrow, making it unattractive and impossible for many authorities to achieve. This is in part responsible for the low take up of the Annual Position Statement route.

The revised wording of paragraph 76 in the 2023 NPPF removed the need to pursue Annual Position Statements as an option to confirm a five-year supply statement. While having no comments to make on the removal of the policy relating to Annual Position Statements the Council would wish to reiterate their comments regarding the removal of paragraph 76 of the 2023 NPPF and the impact that this will have.

The removal of both the Annual Position Statement policy and paragraph 76 provides little comfort to local authorities and communities in the Local Plan process. It undermines confidence in the forward planning system and fails to recognise the significant work undertaken in preparing a Local Plan.

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

Yes.

Whilst supporting the concept of cross-boundary co-operation, there must be recognition that for some local authority areas the housing markets and travel to work areas are relatively contained, and public transport and road infrastructure is limited or at capacity.

In these cases, is not considered appropriate to supply housing to meet the needs of adjacent LPAs where this would result in significant increases in commuting, especially by car. The resultant pressures on infrastructure and increases in carbon emissions and other pollutants would be seriously detrimental to the general amenity of the district and would fail to accord with Lancaster's net zero carbon ambitions.

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

Yes.

The Council recognise the challenges around providing certainty over large scale development which may take many years to develop – this includes the delivery of new settlements. The Council would agree that the tests of soundness could be amended to assist with this approach but do not have any specific suggestions to make at this stage.

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

When considering the scope and decision-making associated with spatial planning, it must be recognised that the balance of issues considered important will differ across areas. For example, the issues relating to outlying or rural areas will differ from areas where towns and infrastructure are already concentrated. It is therefore important to ensure all local authority areas have equal influence in strategic planning and that decision-making powers, infrastructure and funding is not concentrated in specific areas (or is dominated by upper tier councils).

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?

No. The Council do not support this approach.

Whilst the Council appreciates the volatility and frustrations experienced by many in the use of fluctuating population and household projections, the use of demographic and economic data ensures that local conditions and circumstances are properly factored into the decision-making process when determining what the local housing needs of an area are likely to be. This can be explained to communities through discussions regarding the evidential need for housing in their area with future requirements supported by evidence.

The proposed stock-based approach has no linkages with the demographic or economic conditions and trends of a local area. It fails to take account of genuine local characteristics which could lead to need and economic aspirations being unmet in some areas and where numbers have been inflated upwards it risks producing housing numbers that have no ability of being delivered particularly in respect of the availability of genuinely deliverable and sustainable sites, the capacity of the market to deliver or importantly the existence of the community to need them.

The Council consider the proposed approach to be arbitrary, not based on any evidence of actual housing need and will not lead to robust outcomes.

It risks burdening LPAs with unrealistic housing numbers that they have no prospect of delivery and where the evidential need for them in that location has not been demonstrated. It has the potential to lead to land being released in areas where the demographic needs for that growth do not exist, especially where the population of an area may actually be declining or in some instances remaining static. The ability to investigate such trends is absent in the proposed methodology with LPAs now burdened with a target with no understanding of how that number actually relates to the future housing needs of their area.

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.

The Council supports the continued use of the workplace based median house price to median earnings ratio and supports the use of an averaged figure as a means of providing a more accurate picture of affordability over time.

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

Yes.

The Council supports the use of the affordability weighting as a means of reflecting local circumstances and in ensuring that sufficient housing is delivered where affordability is noted to be an issue.

It must be recognised that the increase in housing numbers arising from affordability ratios is unlikely to affect the market to such an extent that market housing will become affordable for people in housing need. The NPPF should ensure that such increases in numbers are reflected in the number of affordable homes and social rented homes being delivered.

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?

The Council would support, subject to the detail of the methodology, the inclusion of rental affordability within the modelling as a means of considering the overall affordability of housing within an area. The inclusion of rental modelling should be included as part of the overall consideration of affordability and not as a separate additional weighting added to the calculation. The inclusion of additional weighting would not be supported.

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

The Council support the ambitions proposed by the new NPPF and recognise the important role of the Council in delivering housing growth. The Council has consistently strived to deliver growth through challenging housing targets driven by the economic potential of the District and the demographic needs of its community. The ability to deliver this growth, has like many areas, proved challenging with constraints impacting the availability of genuinely deliverable and sustainable sites. The continued recognition that the standard methodology is not a requirement is therefore supported and while the Council, as demonstrated in the past, will continue to strive to meet its housing need figure, recognition that this may not always be possible is necessary and would be welcomed.

In supporting the ambitions of the NPPF the Council, as expressed in responses to earlier questions, remains concerned about the absence of local considerations within the baseline component of the standard methodology. The use of the existing housing stock as a baseline removes local demographic and economic information. Such information may well mean that alternative approaches to that being suggested would be more appropriate and more in keeping with the local conditions and circumstances of an area. The removal of the ability to take local considerations into account is of great concern to the Council.

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

No, not as currently drafted.

There are potential constraints which would result in such development on brownfield land not always being acceptable in principle.

The paragraph should be subject to caveats similar to those in footnote 7 of the NPPF, including habitat sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; a National Landscape, irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 742); and areas at risk of flooding or coastal change.

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 Council recognise that the additional wording provided in paragraph 154g seeks to give more clarity than the previous wording on this matter and has no further comments to make.

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 Council has no observations to make on this issue.

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

No.

The Council have no objections to the inclusion of previously developed land (PDL) within the definition of Grey Belt. This seems a logical inclusion in such a definition.

However the Council have greater concern with the second strand of this definition which focuses on sites which make a 'limited' contribution to the five purposes of the Green Belt. Decisions over the limited role land may play in these five purposes are, by their very nature, subjective decisions (whether this be set out in a Green Belt Review or elsewhere). Therefore the outcome to this being included as part of the definition will lead to all areas of Green Belt being subject to speculative challenge that various sites do not make a sufficient contribution to the defined purposes of the Green Belt and therefore should be considered Grey Belt.

The Council strongly recommends the removal of the second strand of the Grey Belt definition relating to land making a 'limited' contribution to Green Belt purposes, in order to reduce the level of subjectivity to this process and reduce the incentive for landowners to degrade their land in order to meet the definition (see response to question 24 below).

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

The Council believe that amending the definition to 'Grey Belt' as set out in its response to question 23 would be highly useful in avoiding this outcome.

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, if this proposal is retained (but note the Council's in-principle opposition to the proposal at Q23).

If the Government seeks to persist with its definition of Grey Belt as described, then it will be essential that a clear approach is provided within national planning policy (not the practice guidance, which is merely advisory) as to how 'limited' should be defining in the context of assessing the five purposes of the Green Belt.

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 Council do not believe that the guidance set out in paragraph 10 of the consultation paper is sufficiently robust or clear to guide either LPAs or other interested parties in deciding on whether land makes a 'limited' contribution to Green Belt purposes.

The criteria set out will still lead to subjective decisions being made, which are likely to vary between LPA, landowner or developer and the local community. The guidance as currently set out will place significant challenge on all areas of the Green Belt, particularly in areas which have a weak housing supply. It will make the planning system even more contentious, open to interpretation and time-consuming for all.

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?

Yes.

The Council agree that Local Nature Recovery Strategies (LNRS) should play an important role in helping inform the future role of land within the Green Belt. The strategies have been prepared with engagement with the community and relevant stakeholders ensuring that local knowledge is used to identify priorities. The inclusion of the strategies within the assessment will ensure that these priorities are fully considered and their value taken into account within the assessment. To exclude LNRS within this assessment risks undermining their importance and value and importantly could undermine their main purpose in securing environmental enhancements and increased connectivity between habitats.

The strategies should be used to help identify those areas of the Green Belt which should be excluded from the definition of grey belt areas. This would ensure that areas with clear environmental value are not lost. Failure to do this would undermine the purpose of the LNRS.

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?

The Council do not object in principle to the role of sequential testing in regard of this issue.

However, for the reasons set out around the role and definition of the 'Grey Belt' it is not clear how a sequential test can be robustly applied. In reality, the looseness of the definition means that LPAs will see cases being made for large parts of the Green Belt being argued as Grey Belt, because the definition of 'limited' is such a subjective measure. The weakness of this definition will make it very difficult to apply a sequential test, as described in paragraphs 17 & 18 (Chpt 5).

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, the Council agree that clarity on this matter will be important.

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?

Yes.

Decisions need to be made in accordance with the Development Plan, and therefore Green Belt policy will hold significant weight in the application determination process.

We accept across the country there will be Green Belt allocations that have not been reviewed for a significant period of time. Where Green Belt Reviews have occurred within a reasonable period of time and no material changes in circumstance have occurred, it is the Council's position that the Green Belt should be protected through the decision-making process.

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?

The Council view the same issues apply to the release of Green Belt land for commercial and other development needs as they do for housing matters.

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?

The Council view the same issues apply to the release of Green Belt land for traveller sites as they do to other types of development.

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?

A Gypsy and Traveller Accommodation Assessment should continue to be the means of determining need for traveller sites. Once need has been established, the same process for

the accommodating other needs should be taken in determining whether a Green Belt review is necessary.

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

Providing a tenure mix to meet identified local needs in paragraph 66 and the emphasis on social rented homes in the Green Belt is supported. A tenure mix is important to support balanced communities, and a mix of affordable homes tenures is equally important in schemes which have a high proportion of affordable homes. The inclusion of social rented homes within the mix is essential to providing homes for those most in need.

However without an increase in grants, the provision of additional social rented homes is likely to result in a reduction in the overall affordable housing numbers found viable on a site.

The way in which viability is dealt with through the planning system and the grant levels available to provide affordable housing undermines this approach. Viability considerations remain too dominant in the decision-making process. The emphasis on viability considerations results in market developments being granted to meet overall housing targets, without contributing proportionally to meeting affordable housing needs.

Where affordable housing is provided, the grant levels available to councils and registered providers result in a higher proportion of affordable homes for sale to subsidise affordable rented provision. Without additional grant support this approach will not work.

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 aim to provide significant affordable housing on sites released from the Green Belt is supported and it is considered that a national minimum target should apply to all areas. An area with lower land values does not necessarily equate to a low affordable housing need. Setting lower targets would result in inequity across the country and within districts.

However, the Council's experience suggests that a 50% target would *not* be viable. To ensure that the delivery of affordable housing is significantly increased councils and registered providers should be given additional grant support and mechanisms are needed to ensure that land is made available for development to meet local affordable housing needs.

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.

The Council agrees with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs, highlighting the value and importance of access to green spaces for people and nature. The Council also welcomes the inclusion of reference to adhering to local standards.

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 Council considers the principle to be sound however there are implications for the equitable delivery of infrastructure and affordable housing and creating disincentives for landowners to bring land forward.

A viable benchmark land value will differ significantly across the country and within districts due development values. Setting a single value is likely to result in areas with higher house prices achieving higher levels of infrastructure contributions and affordable homes than lower value areas, resulting in additional inequality in provision across the country. Lower value areas also have pressing infrastructure requirements and high levels of affordable housing needs as incomes are also usually lower in these areas.

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

The Council generally uses 10 times agricultural land value as a starting point and then reflects abnormal costs to establish a benchmark land value. This approach frequently results in contributions being reduced with affordable housing falling significantly below the current policy requirements of 30%.

For development to contribute 50% affordable housing and all the necessary infrastructure the benchmark land value would need to be set at a level significantly below current practice. While this approach is supported in principle, it must be recognised that reducing land values is likely to have an impact on the availability of land, Council ability to allocate deliverable land, and the consequential delivery of homes.

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?

The approach is supported in principle however, planning matters beyond the golden rules are important. Delivering housing numbers, even where these meet the golden rules, should not be at the expense of well-designed development that delivers high quality energy efficient homes and a mix that meets local needs.

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?

We doubt that this would work.

The approach would provide developers and landowners with greater certainty. However, being policy compliant involves affordable housing being secured as part of the delivery of development. It is rare that a scheme is 100% policy compliant and therefore in reality is not clear this suggested approach could work.

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?

In principle, late-stage reviews are supported. However, they should not result in a downwards review as contributions towards affordable housing and the necessary infrastructure are integral to the decision to grant a planning permission.

The role of late-stage viability reviews may be more suitable to the build out of larger sites where completion is expected to take more than 5 years. Any review would need to be based on fixed costs and not allowing developers to share costs.

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 golden rules in terms of contributing to infrastructure should apply to non-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?

The Council do not have any comments to make on this matter other than to say that any arrangements made around transitional approaches need to be clear and consistent for all parties involved.

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

An indicative percentage above existing use value for greenfield sites would be more appropriate than a single indicative value.

The existing use value of previously developed sites, will in some cases, be prohibitive to delivering the golden rules, without adding a premium.

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

Controlling benchmark land values at a level necessary to meet the golden rules and deliver high quality development and homes is likely to negatively impact on the release of land for development. It is therefore essential that mechanisms are in place to enable bodies to bring such land forward. Such mechanisms need to be robust, clearly set out, simple and inexpensive to process.

If local authorities are expected to bring land forward, this must be adequately funded from central government. Current grant regimes are overly complicated and uncertain, this needs to be addressed if local authorities are expected to take action.

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

The Council have no other observations to make on this issue.

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

Yes.

The Council supports the expectation. To make progress on delivering an increased amount of Social Rented housing additional funding for Registered Providers and Councils will be needed.

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

Yes.

The removal of the requirement is supported. The tenure of affordable housing delivered should be determined locally to meet identified needs.

Where viability is limited resulting in low overall affordable housing numbers, the current requirement can lead to delivery of affordable home ownership products only being provided with no contribution to much needed affordable or social rent products.

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

Yes. The removal of the minimum requirement is supported. The tenure of affordable housing to be delivered should be determined locally to meet identified needs.

Reference to the 'Affordable Homes Update Written Ministerial Statement dated 24 May 2021' in Annex 2: Glossary, should be removed as this document includes reference to the 25% minimum requirement. Reference to the Planning Practice Guidance, subject to the removal of the minimum requirement from the text, would be more appropriate.

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

Footnote 38 should be removed in its entirety. Exception sites should deliver tenures to meet an identified local need and First Homes should only be included where there is an evidenced need. Unless there is a need for predominantly First Homes, a First Home led exception site would not be appropriate.

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

The Council considers that the principle is supported but the wording will be critical and should ensure that this does not jeopardise the delivery of 100% affordable housing schemes to meet local needs.

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

The Council suggest:

- The most effective way to promote such sites is to provide additional funding for delivery by Councils, Registered Providers and Community Land Trusts (or other forms of community-led housing).
- Enabling Councils to allocate sites specifically to meet social/affordable housing needs would also be a positive step. However, without additional funding and a mechanism to force sale of land at a cost which would reflect the delivery of social rented homes, this is unlikely to be successful in isolation.

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?

Policies to ensure sites deliver a mix of dwelling sizes and tenures (social and affordable rented and affordable home ownership products) will minimise unintended consequences.

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

The Council suggest:

- Measures to ensure new development is small scale and meets the specific local needs of the settlement or parish.
- The threshold for contributions is reduced to ensure that development contributes towards local facilities.
- Funding, in addition to developer contributions, to support local services and frequency and flexibility of public transport.
- Support for and provision of rural housing enablers to engage with rural communities, provide advice and support development which meets identified local needs and grant applications.
- Support for rural Community Land Trusts (administrative and funding).
- Ensuring that Local Plans and Neighbourhood Plans allocate land to meet the local needs.

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

The Council supports the proposed change to paragraph 63, however, local authorities should not be expected to allocate land or set out amounts of provision within local plans for

looked after children. Policy wording to support homes in appropriate locations should be adequate, along with jointly agreed strategies with commissioning leads setting out need and demand and how new provision can be provided in suitable locations.

Question 56: Do you agree with these changes?

The Council supports the change to the definitions and size limit in an effort to stimulate community-led development, which is accepted as a valuable and much-needed form of housing delivery.

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 Council supports limited changes to the definition to allow the examples proposed to development new affordable housing and should recognise community groups as a body who can provide affordable housing for rent.

The opportunity should also be taken to amend the definition of ‘discounted market sales housing’ and ‘other affordable routes to home ownership’. A 20% discount is often insufficient to make homes affordable. The discount should be determined with regard to local incomes and house prices for both types of homes and clarification within the definition would be beneficial.

Including a requirement for the recycling of receipts within local authority areas for schemes where public grant funding is not provided within the definition of ‘other affordable routes to home ownership’ would also be of benefit. This would ensure that much needed contributions to affordable homes are not lost from a district.

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?

The Council’s adopted Local Plan was drafted prior to the introduction of the small sites policy hence the limited number of small site allocations. The Council will explore the availability and deliverability of small sites as part of its ongoing Local Plan review and has amended its size thresholds in its forthcoming Strategic Housing and Employment Land Availability Assessment (SHELAA) to try to capture smaller sites.

Engaging with smaller builders will be key in ensuring smaller sites come forward. In some cases, these builders no longer exist having been squeezed out of the market by the larger development industry. Ensuring what remains of this sector are engaged with the process and given the opportunity and information to become involved is important.

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?

Yes.

The Council believe it is important for the NPPF to continue to make clear its ambitions around the delivery of high quality, well-designed places. It is critically important that as the

Government seeks to increase levels of development across the country that this is done in a considered and thought-out manner. This will ensure that new development leaves a positive legacy for rather than the delivery of development which detracts from the visual environment.

The removal of subjective words such as 'beautiful' and 'ugly' from the NPPF is welcome and leads to greater clarity and agrees that reduces inconsistency. The Council agree that the National Model Design Code can provide the basis of guidance on what is considered to be good design which can be supplemented locally by more bespoke design coding if needed.

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

The Council have no observations to make on this issue.

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

The inclusion of policy in the NPPF to support LPAs to allocate/safeguard land in Local Plans for the delivery of predominantly (or 100%) affordable/social housing/specialist housing on sites by Councils, Registered Providers and Community Land Trust would aid the delivery of these tenures and types.

The need for affordable housing at Parish/Town Council or sub-area level can be assessed within a Strategic Housing Market Assessment using parish/town council/sub-area data.

Potential development sites can be assessed through the Strategic Housing and Economic Land Availability Assessment to determine whether such sites can be accommodated to meet local needs and ensure the most sustainable locations for affordable housing.

Where sites meet a Local Authority's criteria for development, they can then be allocated for predominantly (or 100%) affordable housing by Councils, Registered Providers or Community Land Trusts. This would ensure that the groups have an opportunity to acquire land and development land to meet local needs. Allocation of such sites would support the delivery of exception sites by making the principle of development for affordable housing clear, rather than placing the burden on the groups to evidence this at application stage. Such policy would require the support of the Planning Inspectorate (PINS) when examining Local Plans and considering appeals.

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

The Council notes the Government's ambitions around the rollout of opportunity for a range of digital industries and in principle has no objections to such expectations. It is recognised that in an increasingly digital world the country needs the necessary infrastructure to maintain and improve economic prosperity for all. The Council also recognises the important role for freight and logistics in the supply chain for both communities and business.

The implication and inference of amendments to paragraphs 86b and 87 of the NPPF is to suggest that this type of development should be delivered on established or new areas which have been designated for employment purposes within the local plan. Whilst this seems a logical approach to take, the Government should be mindful that many of the

sectors which they are seeking to actively promote – particularly data centres, storage & distribution centres – yield very low job densities for the scale of development required.

That means the Government must be cognisant of the implications of such ambitions. Specifically, that employment land is likely to be lost for wider opportunities for economic growth which may result in better job yields for the local community.

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

The Council believe that this country should be doing more to establish itself as a centre for renewable and developing low carbon energies, whether that be through securing itself as a key source for offshore renewable wind energy or through the advancement of emerging sectors like micro-nuclear or hydrogen energies.

The new NPPF would benefit from more ambition around the delivery of employment / manufacturing to support the delivery of this sector in England. Such an approach would be cognisant with the wider Government ambitions around net zero.

The NPPF would also benefit from an increased focus on the importance of the agricultural sector, particularly in terms of ensuring sufficient quality and distribution of farmland for food production.

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 Council have no observations to make on this issue.

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 Council have no observations to make on this issue.

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

The Council have no observations to make on this issue.

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

Yes, the Council supports the proposed change.

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

Yes, the Council supports the proposed changes.

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

Yes.

The Council supports the proposed changes to paragraph 114. It welcomes the implication of the new wording and awaits the updated guidance that sets out the new approach.

The additional clarity provided in paragraph 115 is welcomed subject to 'all tested scenarios' being defined.

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

Design plays a key role in creating places which promote healthy communities, whether that be tackling childhood obesity or encouraging active travel. So, greater emphasis should be placed on the importance of good design as a key and fundamental element of a development proposal, factoring in these considerations from an early stage.

Limitations can be placed on fast food takeaways being sited close to nurseries/schools/colleges; however, the Council appreciates that such standards are likely locally-specific and should link on with, and support, local strategies to improve health and wellbeing.

Considering active travel from the perspective of children, and not just adults, would be a positive step. Particular consideration given to factors such as safety (e.g. the need for the segregation of cycle routes from vehicular traffic) should also be a priority if the country is to encourage active modal shift.

The Council also wishes to emphasise the importance of food production considerations set out in Q.71.

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

There could be greater emphasis upon encouraging and promoting food growing opportunities, so that local communities, in particular the children living within them have greater opportunities to experience and learn more about growing healthy food.

Stronger policies relating to the use of Transport Assessments and the promotion of sustainable modes of travel would be welcomed. Current advice and guidance relating to the contents of Transport Assessments talks about all modes of transport and the need to create places that encourage and prioritise active travel and public transport. However, all too often this is not reflected in Transport Assessments submitted to support planning applications, where the primary concern relates to network capacity and junction design.

Sustainable travel modes often become secondary considerations despite the guidance and despite the wording set out in NPPF para 116. The proposed wording relating to the 'vision

led' approach is very much welcomed and a good starting point but more needs to be done to ensure sustainable modes are genuinely considered at the outset of the planning process.

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

No.

The Council do not consider it necessary to reintegrate onshore wind into the NSIP regime. Wind energy should not be treated any differently than any other renewable energy technology. The removal of footnotes 57 and 58 to paragraph 163 of the NPPF has opened up the possibility for onshore wind development and repowering again, and this should be determined locally.

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

Yes.

The Council agree are supportive of the introduction of stronger policy wording in para 161 from '*consider identifying*' to '*identify*' suitable areas for renewable and low carbon energy sources, and para 164 where support for applications should be given and greater support ('significant weight') would now be given in central government policy for a proposals contribution for a net zero future.

However, scope to allow for the application of the planning balance at the local level will need to be considered to ensure that any designation of land which supports renewable and low carbon energy uses also considers the impact of this on rural income diversification, food security, landscape, water security, habitats and it should not constrain development to only those areas identified through these designations.

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?

Yes.

The Council consider that some habitats such as peatland (and their vital role in carbon sequestration, water management, habitat delivery etc) should be protected.

In terms of carbon sequestration, should any development take place on them, it is suggested that an approach should be implemented which, at a minimum, uses land use change carbon assessments to ensure that carbon lost from peat is not greater than the renewable offset. Scotland has a range of tools for peatland which could be considered.

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?

Yes, the Council supports the threshold change from 50MW to 100MW.

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

The Council supports the threshold change. However, the Council further suggests a consistent threshold across technologies including energy storage.

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

The Council do not consider different thresholds should apply to onshore wind and solar.

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

The Council strongly supports the setting of clearer national policy that allows local authorities to set energy efficiency standards at a local level allowing LPAs to go beyond Building Regulations to ensure net zero is met faster and in a way that is appropriate to a local area.

The Council has been vocal on this issue during the previous 18 months, particularly in relation to its Climate Emergency Local Plan Review (CELPR) which was recognised by the Local Government Chronicle at its 2024 Awards as a forward-thinking plan (but which continues to be delayed post-Examination by circumstances beyond the Council's control).

Lancaster's commitment to addressing climate adaptation and mitigation through revised planning policies has been acknowledged as a "shining example for other local authorities to emulate". Locally-set energy efficiency standards can create lasting, sustainable change for local communities, especially for the most vulnerable.

National policy should allow for other metrics such as Energy Use Intensity to be used rather than just carbon reduction/ Target Emissions Rates). The Council also consider that nationally, decarbonisation of the grid alone is not the only priority in reducing energy associated carbon emission, reducing energy use is also key.

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 many tools available which are fit for purpose or are being developed (such as PACER Planning Application Carbon Evaluation and Reduction). The challenges to increasing use are that that LPAs need policy levers in England for use (perhaps even a mandate to use them).

Their use needs to be systemised, and guidance needs to be clear on expectations, and national policy. The planning balance needs to include a tilt for carbon, and carbon accounting tools need to be provided free of cost to increase uptake. LPA's need significant upskilling in carbon accounting for effective use, and these skills need to be built up across the county.

Funding should be made available for LPAs to increase uptake of carbon accounting tools. Unfortunately, where, when and if they are used is based primarily on the skills within the individual LPAs.

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

Yes.

Greater emphasis should be placed upon avoiding development in areas of flood risk now, or in the areas subject to increased risk in the future, due to climate change. The sequential test seeks to steer development away from these areas but there is still an expectation that where this cannot be achieved development can be permitted. Continuing to allow development in areas at flood risk will place additional pressure on defences, retrofitting and relocation in the future (as well as considerable distress from residents who are affected, and expense and resources at local authorities and emergency services in terms of responding to district emergencies).

Measures for the management of development, and the protection of (and resilience for) areas subject to sea level rise should be enhanced. A similar policy approach to Coastal Change Management Areas would be appropriate.

Additional detailed guidance on the application of the sequential test should be drafted. This should include guidance on how different types of flood risks should be balanced relative to each other, what constitutes a 'reasonable available' site when considering smaller and larger sites and the measures applicants should undertake to explore sites.

Flood risk can be unpredictable and can affect areas not identified as at risk. The NPPF should require all development to be built to be flood resistant and resilient. Including flood resistance and resilience within Building Regulations would be an appropriate mechanism to ensure consistent standards.

Paragraph 167c) should be separated out from the rest of the paragraph and development should be required to take measures to reduce flood risk on and off the site. An expectation that plans include percentage reduction in peak flows and volumes should be included to achieve this.

Footnote 61 and the 'Flood risk assessments: applying for planning permission' should be amended to require flood risk assessments for sites which include high and medium surface water and ground water risks. Drainage strategies should also be required where there is a ground water risk. This will reflect the wording in the NPPF which seeks to ensure all risks are considered.

Incorporation of sustainable drainage systems (paragraph 175) should be extended to all development. Further emphasis should be placed on the use of multifunctional SuDS and its incorporation within blue-green landscaping. There is still too much reliance on underground engineered storage and transfer.

Measures should be put in place to ensure that there is a joined-up approach to drainage schemes within and across sites. Highway, land and development drainage should be incorporated into single systems. This needs to include systems for storage/attenuation, pollution and discharge control.

While policy to support multi-functional SuDS and a reduction of flood risk will improve approved schemes, this will be ineffective without robust measures to ensure they are developed as approved and maintained. Schemes are often not constructed in accordance with approved plans and are poor in quality. Ongoing maintenance and management is often left to home owners and not carried out effectively. The introduction of Sustainable Drainage Boards and requirements to ensure SuDS are adopted, as in Wales need to be introduced swiftly to address this.

As a minimum, the Building Regulation optional water efficiency standard (G2) should be made mandatory to ensure all development minimises water use. As an optional standard it places unnecessary burden on Council's to provide supporting evidence. Both Building Regulations and the NPPF should go further to reduce water use by reducing the target and including requirements for re-use/re-cycling at property level (grey water/water butts etc) and at site level (utilising water from attenuation/pond etc.). This will support minimising consumption and flood risk.

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

The Council strongly supports the use of increased minimum national standards across climate adaptation, mitigation and resilience.

However, the Council consider that LPAs must retain or be given the opportunity to address climate change at a local level through their own Local Plan policies to allow for local circumstances to be reflected. This is to allow the area to reach net zero faster, respond to adaption requirements and build resilience in areas where the local area has more scope and/or need. The NPPF should allow LPAs to go further and faster in terms of addressing climate change, and not put in place blanket national policies which are in any way restrictive of setting more ambitious targets. We would refer back to the response to Q.78.

The Council welcome changes related to energy efficiency for existing dwellings. However, this emphasis on planning balance to consider energy efficiency should also be extended to include new development. In the NPPF, reducing bills is linked to increasing the supply of renewable energy. However, the NPPF does not place the same emphasis on the important matter of *reducing energy use* in the first place through better quality builds, more efficient technology or through passive design. This is a considerable oversight that should be amended in the final draft.

Changes should be made to encourage, and indeed prioritise, creative re-use of existing buildings to reduce embodied carbon. The circular economy should also be a part of the planning balance so that buildings are capable of being designed from 'cradle to grave'.

Much greater emphasis should be given to requiring landform, orientation, massing, and landscaping to be designed to minimise energy consumption and reduce the effects of climate change. A requirement to 'take account' of these matters is too weak. Design of sites should have climate change at the centre and guidance should require that this consideration includes climate projections for the development site across the development lifespan as the buildings and site will still be in situ (i.e. planning not only for 2025 but also 2085).

The importance of soils should be more strongly considered in the NPPF as they are key for carbon sequestration, water management, a growth medium for vegetation, key habitats,

urban cooling and more. The current lack of guidance and policy surrounding them must be addressed.

The NPPF does not sufficiently consider the contribution that modern farming practices, and advances in the management of agricultural land, can make to sustainable development, and the current consultation would appear to provide an appropriate opportunity to remedy this significant oversight.

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

No.

The Council does not agree with the removal of the text from footnote 63. It is important to highlight that the availability of agricultural land used for food production should be considered when deciding what sites are the most appropriate for development. To strengthen the effectiveness of this footnote, guidance should be provided on how to assess and weigh the availability of agricultural land.

England lacks an integrated food and energy security framework which would be a valuable addition to support and strengthen footnote 63.

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

Besides footnote 63, reference is only made to food production in one other place within the NPPF, paragraph 122(b) (previously paragraph 124(b)), which is referring to the consideration given to recognising the functions/benefits of undeveloped land, but the Council consider that it is important to highlight the importance of land for food production in the context of land being considered for development, which is the purpose of footnote 63.

The use and treatment/management of soils across development sites should also be considered for protection and careful management so that areas that could potentially be used for food production in the future do not have compromised soils.

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 Council agrees with this approach in principle, however the scale of the infrastructure referred to will require clarification.

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?

SuD's Approval Bodies (SABs) should be implemented, and adoption made mandatory. To ensure that SABs are operated appropriately they must be adequately resourced.

The Sustainable Drainage Systems, Non-Statutory Technical Standards for Sustainable Drainage Systems (2025) require amendments, and the following are suggested:

- All schemes, even where water bodies can accommodate uncontrolled discharges, should include peak flow controls to minimise cumulative impacts and future flood risk.
- Peak and volume flow measures should reduce flood risk not simply ensure existing rates are not exceeded. Such measures should be designed to ensure that they do not cause pollution and protect habitats.

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

The Council have no observations to make on this issue.

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 Council have no observations to make on this issue.

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

The Council have no observations to make on this issue.

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

Yes, the costs of administration, advertisement and site visits far outweighs the fee that is received. Prior to the fee increase last year, fees had not been increased for some time and they are still set markedly below cost recovery levels. However the Council advocates a (slightly) lower figure for householder applications, as set out at Q.90.

Within Lancaster District, many householder applications do require to be screened under the Town and Country Planning (Environment Impact Assessment) Regulations due to the presence of two national landscape designations. This adds another dimension of work to any proposals coming forward.

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.

Not applicable.

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

The Council would consider 100% of the current fee which would be £516. This is fair and proportionate assessment to include the validation of the scheme, case officer assessment and publication, site visit, production of report and finally signing off and issuing the decision notice.

The Council considers that discounts regarding householder applications involving Listed Buildings should be offered as part of a revised national fee structure.

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

The Council would suggest that the fee is increased to £516, subject to the caveat in Q.90.

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

Not applicable.

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.

Section 73 applications are time consuming and generally apply to larger schemes. The costs for advertisement are quite significant as often require press advertisements. A fee proportionate to the original application would be a fairer suggestion. For example, it could be 20% of the original planning application fee.

Discharge of planning condition application fees (especially on major developments) = can be very technical and detailed and should attract a higher fee, given the ability to submit all conditions in one submission. The work involved in the determination of these schemes is more akin to a fee of £1000.

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.

The Council would suggest Listed Building applications should attract a modest fee given the specialist nature of the role and the advertisements involved with respect to press advertisement. However discounts for householder applications involving Listed Buildings should be offered.

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.

Yes.

The Council notes that local authorities are able to set their own fees for pre-application services and in the building regulation regime. Local fee-setting in planning applications

would allow for greater flexibility and would allow LPAs to achieve cost recovery. If this proposal is taken forward, we would advocate for the publication of a standard, simplified method of calculating application processing and decision-making costs.

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.**

A local variation approach seems a sensible option. Each district will have its own challenges and economies and should benefit from a locally-derived fee structure that reflects these.

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

Yes, the work of the Local Plan is vital to a successful development management service and the costs of Local Plan evidence-gathering, production, examination and adoption can exceed £1m in authorities the size of Lancaster.

The ever-burdening workload ranging from highways modelling to nature conservation interests means that much of the production of the evidence supporting the Local Plan is generally outsourced. Recovering some of the costs of this through increased planning application fees would create a sounder footing.

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?

It would be fair to add a 20% uplift to all fees to accommodate the work that goes into the Local Plan production, it is not fair to suggest that only one type of application should pay.

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?

Local planning authorities incur considerable costs providing a range of services. The Council consider that planning fees could be introduced for:

- Applications to undertake work to protected trees (protected by Tree Preservation Order or Conservation Area status) and high hedges. Costs include application processing, analysis of proposals, site visit, negotiation (where necessary) and decision. A national fee for these activities could be incorporated into the fee schedule.
- Works to Listed Buildings. The £0 fee exemption that is currently applied does not act as a stimulus for the submission of Listed Building Consent applications, and therefore it is considered that an appropriate fee set at cost recovery should be introduced. We have already stated elsewhere in this response that there should be a discount for householder Listed Building applications.

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.

In an era of continued resource pressure, moving to a model of cost recovery for all forms of planning service delivery (including those related to Development Consent Orders) would enable Councils to offer affordable services and ensure a level of workforce that is commensurate with their workstreams. It is no longer sustainable to expect local taxpayers to pick up the shortfall in funding through local taxation. A 'user pays' principle is to be welcomed.

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.

To allow for increased flexibility (and agile local priority setting), separate fees negotiated through bespoke Planning Performance Agreements should be permitted. This may allow local authorities to offer a one-stop-shop approach, especially for key regeneration sites, from pre-application through to planning condition discharge, for a single, agreed fee.

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

The Council have no observations to make on this issue.

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.

The Council is one of a number of local authorities that are assisting the Planning Advisory Service and MHCLG with research regarding the true costs of determining Section 73 applications. It is envisaged that the implications of cost recovery will be evidenced through this research project.

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

The Council appreciates that locally-set fees are difficult to administer and may cause complexity for users, especially those who operate across multiple local authority areas. Once locally-set fees are established, there should be a consistent annual timeline for notification to the Planning Portal, in order for them to maintain and update their fee calculator.

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

The role of transitional arrangements at any point where there are significant changes of policy at a national level are important. Clear transitional arrangements are important to provide certainty to LPAs to continue to advance local plans without the fear of abortive work. The transitional arrangements set out in the consultation paper through paragraphs 4 to 7 (Chpt 12) provide clear direction for local authorities to work towards.

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

The Council have no further comments to make on the proposed transitional arrangements.

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

The Council support the principle of working towards better accessibility and interactivity when it comes to presenting national planning policy and guidance.

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?

The Council have no observations to make on this issue.