

24 September 2024

Sent by email to PlanningPolicyConsultation@communities.gov.uk

Dear Sir/Madam,

Society of Local Council Clerks – Response to consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system

Thank you for giving the Society of Local Council Clerks ('SLCC') the opportunity to comment on this important consultation document.

The Society of Local Council Clerks is the professional body representing town and parish council clerks in England and Wales. More than 4,000 local council clerks are in membership serving over 6,000 town and parish councils throughout England and Wales. Influencing, shaping and guiding the planning system is a high priority for many of our members. This issue is, therefore, of special significance and importance to the Society and its members.

In formulating this response, we have consulted with our members. We have also asked them to respond individually to it.

We have also worked closely with the National Association of Local Councils in preparing this response, with whom we share very similar comments and concerns about the proposals.

Our responses to the main consultation questions having relevance for local councils, are below:

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

While we have no strong views on this question, we support the general principle that all local authorities should meet their housing needs for their area.

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?

We appreciate and recognise the benefits that the establishment of a standard method to assess housing need will result in unambiguous housing number for local planning authorities. We understand that the removal of the option to use alternative approaches to assess housing need is

designed to deliver certainty, clarity and consistency between authorities. Although the use of alternative methods at the individual authority level could result in uncertainty and inconsistency in housing delivery there may be options to consider alternative methods at a regional level. A one size fits all approach may fail to account for factors like Areas of Outstanding Natural Beauty (AONBs), conservation areas, and local infrastructure.

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 policy places unrealistic pressure on large urban conurbations by imposing high growth targets without considering the capacity of existing infrastructure. This could lead to urban sprawl and overdevelopment, which would undermine local plans and exacerbate infrastructure challenges.

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

In principle yes. However, it is important that this does not erode the importance of ensuring high quality and distinctive design. We are also concerned that the proposed removal of paragraph 130 is too restrictive in conserving the historic environment. We therefore propose that these conditions should be retained in designated areas such as Conservation Areas and World Heritage Sites.

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 focus must remain sensitive to local contexts. High-density development may be appropriate in some areas, but it should not be imposed universally. Design codes should prioritize local character and community identity while allowing for appropriate growth, particularly in rural and heritage areas. Local councils have a key and central role in the preparation of local design codes.

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

Yes. The amendments better align sustainability goals with local planning needs by integrating infrastructure, environmental, and social considerations. This will provide greater sustainability for residents in parished rural areas especially.

It could be argued that it should be amended further and there should be a stronger commitment to sustainable development particularly in terms of reducing reliance on the car and generally planning for and mitigating the impact of climate change.

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. We would support a very much strengthened version of the 'duty to co-operate' between neighbouring local authorities or an alternative policy which made it compulsory for neighbouring LPAs to work in close co-operation with each other on spatial planning.

The existing Duty to Cooperate is weak and lacks clarity and teeth.

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. Whilst we accept that using housing stock as the baseline focusses on what has been built in the past rather than what is needed in the future the previous attempts at using housing projections have illustrated the challenges of attempting to determine future need. We, therefore, support the use of housing stock as a baseline for planning purposes.

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?

Yes. We have no suggestions as to how this could be incorporated into the model.

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

LPAs should consider the particular needs of those who require social rent when undertaking needs assessments and setting policies on affordable housing.

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, we support the principle, especially where the PDL is appropriately and sustainably located such as contiguous with an existing settlement boundary. Very small-scale infill settlements are acceptable in the Green Belt. The sustainability of stranded PDL developments can be more problematic if the site is not large enough to sustain the necessary infrastructure investment or does not represent sustainable development. Supporting the development of previously developed land (POL) within the Green Belt, when appropriately managed and sited, aligns with sustainable development goals.

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?

Yes, but this is potentially dangerous. Expansion must be limited to ensure that it does not compromise the primary purpose of the Green Belt. The definition should include clear parameters, allowing only developments that align with sustainability goals, preserve rural character, and do not negatively impact the country's agricultural or horticultural uses.

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

The issue with the definition of grey belt land is the inclusion of "parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes". The original purpose of the Green Belt introduction was to stop urban creep. The assessment of whether a parcel has a limited contribution to the five Green Belt purposes is generally a subjective exercise of the relative contribution rather than an absolute assessment. For this reason, we believe this is best carried as part of a Green Belt review rather than in the development of a list of grey belt land. Care needs to be taken to ensure that the policy changes do not act as an incentive to landowners to poorly manage or detract from a site so that it meets the definition of grey belt. Grey belt should be primarily determined through plan making.

Further we would also suggest that the definition of "grey belt" land in the Glossary should also be reviewed, as land that may only make a "limited contribution" (however that is defined) to the existing five Green Belt purposes may nevertheless have an increased future value in terms of food production, particularly in light of the expected impacts of climate change on current forms of agriculture.

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

The recent extension of permitted development rights, for example, to the conversion of agricultural buildings for housing can result in the unplanned extension of the built environment into Green Belt parcels that otherwise would be high performing Green Belt land. It should also be noted that 'grey belt' land may also sometimes not be the most sustainable location for development nor that because it is 'grey' it does not perform an important Green Belt function.

We especially request a review of the often harmful Class Q planning consent which allows agricultural buildings to be converted to dwelling houses without the benefit of planning permission.

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?

We believe this is best included within planning practice 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?

Yes, it does, although the language used implies a presumption of 'a limited contribution' rather than 'a satisfactory contribution'. The rural element is sufficiently covered off. The guidance contained is generally limited, which may be understandable for a high-level document such as this. If approved, it should be underpinned downstream with more detailed guidance.

Further, we are firm supporters of neighbourhood planning as this has delivered a significant expansion of community involvement in the planning process.

There is also a need to recognise that much of the best agricultural land is in the Green Belt and it is essential that we protect this valued and declining resource (farming covered some 75% of the UK thirty years ago, now it is below 70%). When considering the release of land from the Green Belt the availability of and the need to protect good quality agricultural land should be an important consideration.

Neighbourhood plans have been in the forefront of delivering local design codes. Where neighbourhood plans have chosen to allocate housing sites, they have generally delivered more housing than was allocated through the local plan.

Although the National Planning Policy Framework (NPPF) states that neighbourhood plans can make changes to the Green Belt where a strategic policy has established the need to do so, this power has been in place since 2018 and there is no clear guidance on how this can be delivered.

Labour confirmed in its General Election Manifesto that "we will ensure local communities continue to shape- housebuilding in their area", so we would urge the government to make good on this commitment by retaining the function and funding for neighbourhood planning into the longer term. This was a call also made by the NALC President Baroness Ros Scott in responding to the King's Speech in July "Which is why as part of its planning reforms, the government should not only continue, but enhance support for neighbourhood planning, enabling parish and town councils and neighbourhood planning groups right across the country to pursue housing growth and economic regeneration." Fitting and appropriate words, given that around 90% of neighborhood plans are parish-led.

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. We would support the exclusion of areas identified in draft or published Local Nature Recovery Strategies as these will be important contributors to biodiversity.

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. PDL and 'grey belt' land should only be approved for development if it genuinely deserves re-classification as brownfield, especially in rural parished areas. But care needs to be taken that this does not tilt the balance too far in favour of their development of brownfield sites. Their

development may not always be the best option for example where the site is important for wildlife, has important heritage features, vehicular access is poor or unsafe or in an isolated location say in the countryside.

Also, this must be through plan-making and not through the planning application system.

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. Any such release at all should not undermine the 'green lungs' across the broad area, most especially in parished non-urban areas.

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, but we have no strong views on the changes needed.

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?

Yes. grey belt land should only be developed, in general, if it genuinely merits re-classification as brownfield, especially in rural areas. Also, where it can be demonstrated that there is a clear overwhelming need for its release.

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?

Traveller sites should be treated in the same way as other developments, i.e. the default preference should be for brownfield land. Again, the needs of rural communities need to be considered.

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?

Yes. Again, traveller sites should be treated in the same way as other housing/ accommodation developments, with no special arrangements for Green Belt reviews. But the needs of rural communities also need to be factored in.

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

Yes. We support mixed tenure housing for developments.

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?

Yes, in principle the 50 per cent target should apply to all land released from the Green Belt. However, the final decision should be left to local planning authorities to make based on their local knowledge of local needs and requirements and they should have the flexibility to set lower targets based on what is required in that area. This policy again risks building properties for which there is no demand.

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?

We agree that it is important to secure benefits for nature and public access to green space where Green Belt release occurs. The existing criteria for designation of local green space would currently normally preclude land within the Green Belt, but we would recommend that local green space designation be extended to cover this issue.

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

Yes, this is an interesting proposal. We suggest that there should also be scope for a local authority to set indicative benchmark land values in specified circumstances. Care needs to be taken that it does not create 'ransom' positions in relation to potential Green Belt release sites.

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?

Yes, we agree with this approach.

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?

Yes, we very welcome support late-stage viability reviews.

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

Yes. The rules should apply similarly to commercial properties, travellers' sites and other commercial developments as far as possible.

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?

Yes, the golden rules should apply to all schemes, including those at an advanced stage.

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

Yes. Compulsory purchase may be necessary in some cases for infrastructure development.

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

Not overall, but the government does need to be sensitive around its changes to the NPPF around green and grey belt, as well as brownfield development, most especially in rural areas.

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

Yes. A diverse mix of tenures and housing types is essential for creating balanced, resilient communities. Local plans should encourage developments that provide a range of options, from

affordable rental housing to accessible home ownership, ensuring that housing meets the needs of different demographics and income levels.

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

Incentives for developers, such as grant funding or reduced planning fees, could be effective in promoting Social Rent housing. The Right to Buy regulations can challenge the ability of local authorities to maintain an adequate stock of Social Rent housing.

Specific affordable housing allocations might also be considered.

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

The Government needs to define and give greater clarity on what is meant by "local" at a lower spatial level than the LPA i.e. parish level, which is often a contested term. Supporting rural affordable housing could involve simplifying the planning process for small-scale developments, offering financial incentives to landowners, and prioritizing the conversion of existing buildings. It is important to ensure that rural affordable housing continues to be accessible to residents with a clearly defined connection with the specific community, usually at the parish level. It is important for the sustainability of these communities that such houses are not available as second homes.

Question 56 Do you agree with these changes?

Yes. Removing size limits could enable more ambitious community-led development. We consider that community groups, including local councils, with sufficient guidance and support could make a bigger contribution to supporting and increasing rural affordable housing.

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?

Yes. The definition should be clarified to ensure that affordable housing for rent is genuinely affordable. We do not consider that the existing NPPF definition of Affordable Rent, being up to 80% of Market rent, is not affordable at the very least for the vast majority.

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?

Yes. It should be made clear that where a neighbourhood plan has the objective of allocating sites under paragraph 144 of the existing NPPF they should be able to allocate small parcels of less than one hectare providing the cumulative sites released will meet their housing need.

Further, our experience is that one of the main reasons that insufficient small sites are being allocated is that it is often easier for a local planning authority to meet its developments needs by allocating a few large sites rather than several small ones.

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. While design quality is crucial, it is appreciated that the term 'beauty' is subjective and difficult to enforce through planning policy. The focus should be on high-quality, contextually appropriate design that enhances community character and meets functional needs, rather than on aesthetic judgements that may vary widely.

However, we believe that the original recommendations of the Building Better, Building Beautiful Commission, should be implemented.

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

Yes.

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?

In principle Yes.

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?

Yes. While we welcome the principle we have no suggestions on an appropriate scale.

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

There is a need for greater government guidance and potentially target setting at the local authority level. For example, that similar to that provided for local housing targets.

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

The focus is mainly new prisons and hospitals but the country's infrastructure needs are much broader. The need for new burial grounds is often looked. Greater emphasis should be placed on their provision any new settlements/or large-scale expansions to the population.

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

While we do not have strong views on the changes proposed, considered that greater reference here should be made on the provision new preschool facilities as parts of developments.

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

Great emphasis should be placed on reducing energy demand and reducing the reliance on private vehicle, often the focus appears to be on carbon reduction.

There should also be greater flexibility for communities and areas, including through neighbourhoods plans to set energy efficiency targets for their areas.

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

Yes. We would in addition propose that retrospective planning applications are charged at a higher rate especially as these applications frequently result in higher costs for the local planning authority.

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

A.95. Model 2 - Local Variation (from default national fee).

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?

We welcome the proposals, there is a need for a well-resourced planning system as a whole. This includes enforcement, which in many parts of the country is significantly under-funded.

Thank you again for the opportunity to comment upon this consultation. If it would be helpful, the Society will be pleased to meet with or speak officials to explain in more detail its points and observations over this issue.

Yours sincerely,

Andrew Towler MRTPI

Society of Local Council Clerks' National Planning Advisor