

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

### Horsham District Council Response September 2024

1. We are pleased to be able to contribute to the consultation on proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system. We have a history of constructive engagement on planning reforms and take the Government at its word that this is a meaningful consultation and that the responses received will be afforded due consideration. We have participated actively in both PAS and RTP1 events related to the consultation, to fully understand and consider the proposals.
2. We recognise that the Government has an aspiration to increase housebuilding nationally and thus for Councils to allocate and approve housing at increased rates. Though we accept that changes will be needed in planning policy to achieve the Government's ambition, without measures to enforce the build out of sites by the development industry, we do not think the ambitions will be realised. Our view is that Government does need to address systemic issues in the development sector that mean that sites don't come forward quickly when permissions are obtained – and this is not recognised in the consultation.
3. The Government will be aware that we have recently submitted our Local Plan for examination. The Local Plan has taken a long time in preparation – chiefly due to the 'water neutrality' issue that arose late in the process and required solutions to be found. It is with some dismay that, due to the proposed reforms, we will have to commence an immediate review of the Local Plan upon adoption. This seems particularly counter-productive when it is our understanding that the water neutrality issue will persist in the short and medium term and will not be resolved by a review of the Local Plan, but ultimately, by actions taken by the water industry.
4. In summary, we are:
  - concerned about the weight given to affordability in the new standard method and the level of increase of our own figure.
  - not supportive of the reintroduction of buffers and are strongly against the removal of fixing housing land supply positions upon adoption of Local Plans, which will adversely impact the resources of planning departments to determine planning applications and secure joined up infrastructure provision which is not delivered through speculative development.
  - concerned about the lack of measures to enforce the build out of sites by the development industry, over which LPAs have no direct control.
  - broadly supportive of changes to the approach in the Green Belt, though we have concern about widening the definition of brownfield land to include forms of agricultural/horticultural development. We also wish to ensure that the ability for non-Green Belt LPAs to develop policies to prevent settlement policies, contribute to nature recovery and access to green space (e.g. Green Gaps) is retained and clarity provided on its interpretation to assist local communities and neighbourhood plan groups.
  - encouraged about changes to policy that relate to affordable housing, but are of the view that further, non-planning measures, are needed to encourage delivery by Registered Providers.

- supportive of measures that provide encouragement for infrastructure delivery, but view that planning policy has limited effect as generally infrastructure delivery is not led by LPAs. The proposals do not adequately address the more local provision of transport, healthcare, education, sewerage, water etc. This is needed for sustainability and to gain local support for more housing.
  - pleased of the recognition of the need for planning services to be fairly funded but think that non-host authorities (in relation to DCOs) should also be able to recharge for their assistance with applications that go through the NSIP regimes.
  - as stated above, concerned about the mandatory immediate reviews of Local Plans in circumstances that are relevant to us.
5. The Government will be aware that there has been a great deal of proposals to reform national policy and legislation relevant to planning, some of which has been brought forward, some of which is awaited and some of which was never taken forward (or is likely to be reversed following this consultation). This situation is not sustainable and cannot persist indefinitely. Certainty is needed for all stakeholders involved in the planning system. For local authorities, it is making the already difficult job of creating Local Plans even more difficult, which has knock-on impacts for determining planning applications.
6. We thus ask that the Government sets out clear timings for the full roll out of the new planning system and when the new planning system is in place, gives sufficient time to allow it to bed in before any further changes are considered. We also ask that a consultation report is produced, setting out views expressed during the consultation period and how they have been considered, as well as why changes have or have not been implemented as a result.

## Chapter 3 – Planning for the homes we need

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

7. We agree that there should be clarity as to what method should be used for assessing housing needs. This allows for a consistent approach across the country and for a solid basis for strategic-level discussion with neighbouring authorities. It also avoids the problems which beset previous versions of the planning system whereby the subject as to what calculation should be used and which datasets were most appropriate, dominated proceedings at Local Plan examinations and during planning application appeals.
8. Given this context we **do not object** to the proposed reversal in approach, though we do have concerns about the calculation (and its results) more generally. Such concerns are reflected in responses to other questions.

### 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?

9. See response to question 1, if there is to be a reversal in policy approach then we **agree** that there will need to be related changes elsewhere in the document. It does appear to us that it makes sense that every authority calculates its housing needs in the same way.

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

10. We **partially agree** with the proposed changes. The urban uplift was introduced with no clear justification as to why the rate of uplift (35%) was chosen. As such, we are supportive of the removal of this arbitrary increase to the housing targets of certain locations.

11. Notwithstanding this, paragraph 62 was useful in setting expectations that cities should seek to accommodate their own housing needs. This is important, as cities are generally considered to be more sustainable places to accommodate growth, and meeting of unmet needs from cities is unlikely to be able to be satiated by providing housing in rural locations that may be some distance away from the city where the needs arise. Therefore, we think that there should remain emphasis in the NPPF that makes it clear that cities should seek to meet their own needs and, further, that it should not be assumed that neighbouring authorities can accommodate needs arising from cities.

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

12. We support the principle of using land efficiently but are conscious that increasing density without appropriate regard to context or character could deliver poor design solutions, particularly in a predominantly rural district. We do however recognise that well designed developments can provide smaller family homes, such as terraces along with the provision of community green space, (rather than large individual gardens) and careful consideration of the layout of parking. Therefore such measures would be appropriate in a rural district such as Horsham, and maximise the effective use of green field land. However, we are concerned that to approve high density development within some of the district's rural historic villages would be inappropriate given many of the villages in Horsham have many heritage assets and conservation areas located at their core. As such, we **do not support** with the proposed reversal of approach and instead believe that high density development should be implemented within the context of a design code or design guide for a district or a neighbourhood.

**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?**

13. The proposed change seems more practical and will be more effective as a result. We are a predominantly large rural district with many different design vernaculars across the area which range from historic villages to urban centres. The proposed amendment will provide greater flexibility for the Council to introduce bespoke design expectations that focus on specific areas within the district and this will be more efficient and effective than delivering a district-wide design code which would be very resource intensive and take a long time to produce. However, it should be recognised that the production of any design code will be difficult to resource in authorities which are required to immediately update an adopted local plan to reflect an increased housing need figure generated by a revised standard method, rather than being provided with a period to ensure that high quality implementation of allocated sites can come forward in a timely manner. Additional funding, or other support such as training or access to expertise to help unlock the production of these documents, is therefore requested.

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

14. We are not generally supportive of the 'presumption in favour' as expressed in NPPF paragraph 11d. We feel that it undermines the plan-led system, causes mistrust in communities of the planning system (as well as to Councillors and Planning Officers who operate it) and encourages the development industry to hold back delivery of development on sites to which approval has been given and/or allocated. Our preference would be for its removal entirely, as the speed at which housing is delivered is not ultimately controlled by local authorities, which is explained in responses to other questions in this consultation.
15. With reference to the proposed amendment, we do think that the amendment is an improvement as it makes clear that weight should continue to be applied to design policies, affordable housing requirements and other standards in the development plan that are unrelated to the supply of land. This should make it easier to insist that development, even when the 'tilted balance' is in operation, delivers positive outcomes and is designed to a good quality. Given this, should the presumption remain, we **agree** with the proposed amendment.

**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?**

16. We **strongly object** to the proposed changes, which reverses measures that we supported when they were introduced.
17. The current paragraph NPPF Paragraph 76 serves multiple purposes and should be retained. Firstly, it reinforces the primacy of the plan-led system, rewarding local authorities for their efforts in adopting Local Plans (and provides an incentive for local authorities to get a Local Plan in place). This in turn, gives confidence to communities and clarity to the development sector about where development should take place.
18. In addition, this requirement encourages the development industry to provide realistic information on the speed of their developments to support allocations contained within an emerging or adopted Local Plan, thus assisting with accurate plan making and Local Plan Inspectors at examination.
19. We therefore challenge the narrative that is suggested in paragraph 19 of this chapter of the consultation document that the provisions exist solely for the purpose of 'protection'. Instead, the current provisions correctly recognise the responsibilities of different actors in the planning system. Whilst it is for local planning authorities to create the conditions to allow sufficient supply to be delivered through its plan-making and decision-taking functions, it is ultimately for the development sector to obtain planning approvals and deliver homes. For instance, it is not usually the fault of authorities that applications do not come forward on allocated sites, nor are local authorities responsible for the wider national economic conditions which can affect the availability of building materials, or the availability of skilled labour. Local authorities are also not responsible for the lack of national water infrastructure which has led to shortages and has led to need for development to demonstrate water neutrality in Horsham District. All of these can affect development rates. Yet the proposed reversal in policy approach essentially places the blame for lack of delivery at the doors of local authorities.
20. Our view therefore is that pressure from Government should be put on those who control the delivery of allocated sites/sites with permission to deliver, rather than putting pressure on Councils and their communities to accept development elsewhere when wider economic conditions, or issues such as water neutrality, mean that sites cannot be built out by developers. Developers may also limit build out rates to ensure that their businesses continue to make an adequate return. We have examples in our district where the speed of completion is derisory. In one instance, a major site being constructed by a volume housebuilder is delivering fewer than ten homes a year – with the same volume housebuilder promoting other large sites through the Local Plan process suggesting that hundreds of homes annually will be delivered. It is this type of approach to housebuilding which creates mistrust in the planning system by local communities and gives rise to complaints about 'land banking' – yet Councils have no tools to address such situations. Instead, the proposed reforms suggest that the Council should approve further sites as a consequence for lack of delivery on existing sites. We do not understand this logic.
21. Our view is that changes in circumstances that take place over the lifetime of a local plan (which as outlined elsewhere in this response lie outside LPA control) should not then mean that local authorities and their communities are automatically penalised through the need to demonstrate a five year supply. Changes in circumstance should be addressed through reviews of Local (and Neighbourhood Plans) to ensure development is plan led, and delivers community infrastructure, rather than through speculative applications through the development management process. This is in addition to penalties/powers to compel or incentivise the development industry to build out at 'appropriate' rates sites which are already allocated and/or have obtained planning permission – such measures have been suggested during previous consultations but this consultation document is silent in relation to this.

22. The proposed changes would thus mean that all authorities, even an authority with a Local Plan a day old, would revert back to the situation prior to 2023, with appeals on speculative applications commonplace and for Councils having to spend significant time and resource presenting and arguing about every element of housing supply during Hearings and Inquiries – with the potential that a particular Inspector for a planning application makes a different judgement to a Local Plan Inspector relating to housing land supply and causing the Local Plan to be undermined. This process is costly and time consuming and limits the availability of local authority resources that could be used on determining and implementing planning permissions, and local plan preparation, as well as ensuring good design and working with infrastructure providers to enable high quality development. We cannot understand how that would be beneficial to the operation of the planning system and why the Government would wish to reintroduce such measures.
23. Similarly, it is not clear why it necessary or beneficial to remove the ability for Councils at Local Plan examination to demonstrate a four-year housing land supply. The current provision recognises that such authorities are at an advanced stage of their plan-making process and, following the examination process, they will be able to demonstrate a five-year housing land supply when their Plan is adopted. The reversion essentially acts to punish authorities for being proactive and making difficult decisions and will ultimately disincentivise authorities to progress Local Plans.

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

24. We do **not agree** and believe the proposal to be a regressive step. We welcomed the introduction of the ability to take account of oversupply and wrote in our response to question 3 of the consultation on the *Levelling-up and Regeneration Bill: Reforms to National Policy* that related to this measure, the following:
25. *“Plans create the conditions which provide confidence for the submission of planning applications on allocated sites, ultimately assisting those sites to deliver housing. Generally, allocations are actionable immediately and not phased throughout the plan period – some sites will therefore deliver ahead of that predicted in the trajectory (and some will happen at slower rates or potentially not at all). It is our experience, from our most recently adopted Local Plan (the Horsham District Planning Framework 2015) that sites come forward early in the plan period and as a consequence, we heavily overdelivered against our adopted housing target in the early years of the current Local Plan.*
26. *Given the circumstances described above, it is difficult to explain to our communities, that have seen unprecedented growth in the district, that we do not have a 5YHLS and appeals on unallocated sites have been lost on this basis. Had the calculation for a 5YHLS been able to account for the oversupply identified above, this may not have been the case. Essentially, many feel that it would have been optimal for the Council to discourage applications on allocations to even out delivery rates and smooth out the supply. This would have involved delaying otherwise appropriate development and goes against what the government desires. As such accounting for oversupply in any calculations would be a fairer way of ensuring that Councils who plan appropriately and approve allocations without delay aren’t punished in future years of their Plans.”*
27. Our position has not changed from the above. We remain of the view that past oversupply should be recognised and be able to inform decisions made in the future. The proposal comes across as being very one-sided and anti-local authority, where there is no reward for having over-delivered in the past and being able to use that over-delivery to offset against future targets. Build out rates will vary over the course of a plan period, with a year of relatively high delivery often followed by a year of low delivery – this is particularly true where Councils rely on strategic sites and thus, the flexibility should remain to take account of bulges when considering housing land supply.
28. We would further add that the proposed change will likely have unintended consequences in causing Council’s to be less ambitious, in an attempt to guard against over delivery. This would be counter to the Government’s aims as expressed in this consultation.

29. Additionally, we do not seem able to find the measures to address behaviour of the development industry where they either do not start building on site quickly enough, or where developers deliberately build out at a very reduced rate in order to maximise profits by limiting supply. Ultimately, the delivery of sites is controlled by the development industry. Without doing something about the true cause of delivery rates, the Government is unlikely to achieve its housing delivery ambitions. Whilst the proposals in the NPPF provide increased ‘sticks’ against Local Authority, the need for penalties for deliberate failure by the development industry should also be developed.

**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?**

30. We do **not agree**. Historically, the need for buffers has meant that Councils have had to demonstrate more housing (and land) than is necessary to meet needs. Consequently, we have previously found ourselves in a position where we’ve had a five-year housing land supply, but not when a buffer was applied. We think such a situation is unfair and leads to confusion with communities who do not understand why greater than five years of supply is necessary to demonstrate a sufficient housing land supply. Again, all this is likely to do is to encourage Councils to be less ambitious in relation to housing delivery when preparing Local Plans.

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

31. See response to the question above, we do not agree with the imposition of buffers.

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

32. We recognise that most authorities, ourselves included, do not use Annual Position Statements (APSs). However, presumably it has been useful for the authorities that do pursue APSs and assists in preventing expending resource for both LPAs and developers in mounting and defending appeals. It is thus not clear why this is being removed and thus we do **not agree** with the proposal.
33. Further, we note that in paragraph 23 of this section of the consultation document, it reads: “We consider that any authority with sufficient evidence to confirm its forward supply through this [APS] process should in any case be able to demonstrate a 5-year housing land supply.” We find this comment particularly irksome as it significantly underplays the amount of time it takes to prepare evidence for planning appeals and present such information at Hearings and Inquiries – involving senior officers from both Development Management and Planning Policy whose time should be focused on determining applications and preparing Local Plans.
34. Demonstrating a sufficient housing land supply is not an easy task, despite the impression given in the consultation document. Councils’ housing land supply can be based on hundreds of sites. Should an Inspector decide that the calculation should be performed from a particular base date that differs from the last published Authority Monitoring Report, Councils then need to collect up to date information from potentially hundreds of different sources, before making a calculation to inform the appeal process and then detail this in a statement of case or other submission for the appeal. This can take weeks to produce. In addition, individual elements of the housing land supply are often discussed in detail during appeal proceedings, which can result in debates around housing land supply taking days. All of this is hugely resource intensive and takes officers away from other workstreams. We would have therefore thought that the Government would introduce measures to further encourage APSs and/or being able to fix housing land supply rather than asking authorities to have to demonstrate this consistently. Thus, we cannot understand why this change and related changes would be positive for the operation of the planning system.

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

35. We recognise the importance of planning beyond local authority boundaries. We have worked proactively and effectively with neighbouring authorities in relation to key, strategic issues as part of

the preparation of our respective Local Plans. As an example, in relation to water neutrality (see introduction and response to question 86), we have developed a joint policy approach with the other affected authorities based on a shared evidence base. We have also put in place agreed governance arrangements to manage the issue across authorities, have jointly bid (successfully) for funding and share two members of staff who are leading on the introduction of a water offsetting scheme. Without the joint work, neither ourselves nor our neighbours would have been able to progress our respective Local Plans.

36. Despite the above, we are of the view that the Duty to Cooperate (DtC) is an ineffective tool. We are **not opposed** to the proposed changes and indeed we welcome the proposed addition to the current NPPF Paragraph 27, which recognises a major problem in the current system – that plans (either by neighbouring authorities or infrastructure providers) come forward at different times and Inspectors shouldn't wait for such plans to emerge. However, we don't think the changes proposed are likely to be particularly impactful and clarity is needed to make clear that LPAs who are preparing a Local Plan that is running behind another Local Plan being produced by another LPA, is not beholden to plans by others – i.e. a two-way process is needed.
37. We instead look forward to further details on how Spatial Development Strategies are to come forward outside of mayoral areas and endeavour to contribute our thoughts when more information becomes available. We would encourage Government to provide such information as soon as possible, particularly in relation to geographies and governance arrangements.

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

38. We are an authority that relies on strategic scale development to meet housing needs and thus we acknowledge that for such types of development, it is challenging to provide evidence for delivery of every aspect of an allocation. We think that such long term-strategic proposals should not be subject to the same level of scrutiny given that future plan reviews will likely add detail, but earlier inclusion of such sites will likely give confidence to developers and certainty to communities. As such, we **agree** and think that greater support should be given to authorities that pursue such options to address needs.
39. We think either guidance could be provided relating to the 'justified' limb, to remind the Inspector and give confidence to authorities that "proportionate evidence" includes that which relates to development on a strategic scale and that the level of evidence to justify an allocation can be lower than say, for sites expected to come forward and build out in the first few years of the plan period. Alternatively, the Government may also consider changing the wording of the 'effective' limb to make clear that Local Plans/SDSs may plan for sites that will deliver some of its development beyond the plan period.
40. Our preference would be for the former, as it would enable more detailed guidance to be provided, and commensurate changes could be made to existing paragraph 36 of the NPPF to further add clarity.

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

41. The changes proposed appear to be contradictory. On the one hand the Government seeks universal plan coverage, recognising that most local authorities do not have up to date plans, which is crucial in the plan-led system that is operation. However, the changes proposed remove incentives for Councils to introduce Local Plans and does not fairly reflect the different roles of actors within the planning system. Furthermore, many of the changes will increase the time and resource spent defending speculative appeals and five year supply challenges. This will reduce officer resource needed for local plan and development management activities and would not be a good use of the additional resources promised by government to increase capacity in local authorities.
42. We note that there remains a lack of measures challenging the development industry to do more, particularly in progressing allocated and/or approved sites. This gives the impression that

Government is of the view that the central reason for lack of desired housebuilding is the actions of local authorities. We do not think that this is fair as evidence clearly points to reasons why LPAs cannot delivery or control housing delivery rates. Ultimately, it is up to the development industry to deliver housing on sites which are allocated and/or gain planning permission. LPAs cannot compel them to do so.

43. If the changes proposed are to be made, we think that there should be recognition that all development plan allocations, unless phasing prevents their development beyond the five-year period, should be able to be included within five year housing land supply calculations. This is as they are capable of coming forward within this period – even if through decisions made by the development industry mean that they do not deliver in this period.

## Chapter 4 – A new Standard Method for assessing housing needs

### 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?

44. The use of housing stock would be a more stable measure than trend-based data and on balance therefore we think it preferable to relying on trends from 2014, as is the case now. Despite this, there should be recognition that calculation is simplistic and takes no account of the type, tenure and size of homes in a particular place, and nor the impact of using such an approach in terms of balancing needs across regions. We therefore have mixed views in relation to this proposal. Ultimately the mechanism chosen needs to adequately reflect genuine housing need, rather than any arbitrary target.
45. Notwithstanding the above, if stock is selected as the basis for a calculation we think 0.8% is too high. We note that the when the use of housing stock in the standard method was first considered during the 2020 consultation '*Changes to the current planning system: consultation on changes to planning policy and regulations*', the figure mentioned was 0.5%. It is not clear as to why the figure has increased and needs further justification to help explain how the chosen figure was arrived at.

### 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?

46. We agree that certainty is important when it comes to planning. If, as is explained in the consultation material, this change will increase the stability of the figure that the standard method provides, then we would be **supportive** of this measure. Nonetheless, and as explained in response to question 19, we are of the view that during the production of a Local Plan the housing need figure should be fixed at a point in time to provide certainty to the Council and all other stakeholders.

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

47. We **do not support** the weighting proposed. It gives too much of an emphasis on house prices as being an indicator of need to increase supply. House prices are a consequence of a great number of factors – such as proximity to services, strong and supportive communities, access to employment opportunities, ability to access the natural environment, quality and size of homes, etc. As proof of this, the 2010s saw the largest delivery of homes in Horsham District on record, but house prices continued to rise.
48. Further, it is our experience that new housing stock is usually more expensive than the existing stock. Therefore, additional homes that are delivered in the District actually increase the affordability ratio and thus our housing need figure would increase. The end result would be that more homes are built at a price that many in our communities cannot afford. Rather than increasing the weighting to the



affordability multiplier, the Government would be better in encouraging an increase in high quality lower cost housing by playing a direct role in enabling more social and affordable housing.

49. As such, we would strongly assert that the proposed weighting is too high and will be used to set housing targets that are unrealistic and cannot be sustainably delivered in parts of the country. We think the current weighting and cap (see response to question 19) is more than sufficient to boost housing land supply across the country, particularly as authorities with Green Belt will be required to look at redrawing their boundaries to address needs.

**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?**

50. We think it likely that the relationship with rents and incomes are similar to the relationship between houses for sale and incomes. As such, given that the aim of the standard method should be to give a simple and clear formula, we would **not support** adding further calculations into the method.

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

51. In response to the questions above, we have explained that while we do believe a standard method is, on balance, desirable, we think both the baseline and the weighting of the affordability ratio to be too high. Further, we are **not supportive** of the removal of the affordability cap. A Local Plan examination will have wrestled with the level of homes that could be sustainably delivered in a particular LPA over a given period of time. It seems to be the antithesis to good planning for a top-down calculation to undermine a Local Plan by introducing a housing target that could be significantly above levels of development that could realistically be provided in a Local Planning Authority. The cap ensured that the standard method did not do this and as such, it is our view that it should be retained.
52. Taking every element together, the proposed standard method identifies a number of 1,294 for Horsham District. This increases to 1,359 when the minimum 5% buffer is applied. The water neutrality issue (see response to Question 86) has resulted in a net number of 892 homes being approved between October 2021 and June 2024. The issue is likely to impact development in the District until 2031. We have made this point to Government officials on countless occasions. Given this, it is plainly absurd that the Council will be expected to demonstrate a five-year housing land supply that reflects the proposed standard method figure.
53. Even if there was no constraint imposed by water neutrality, the figure would still be completely unrealistic. This is evidenced at Horsham District Council through an independent [Housing delivery study](#) and [update](#) which was produced to support the production of the Local Plan. Put simply, the development sector won't act in a manner that would reduce house prices and profits – as such, they are not going to flood the market with new houses to achieve the number indicated and there is no evidence to suggest that registered providers could fill the shortfall given structural and funding issues that we discuss in response to questions in chapter 6 of this consultation. Even if, against all signals, the development sector wished to provide housing over a sustained period to meet the figure indicated by the standard method, the impact on a mostly rural authority is likely to be severe – we do not have the levels of infrastructure and public services that more urban authorities do. Such infrastructure will likely be put under more pressure by increased housing and, generally, our residents do not believe that such housing is sufficiently supported by new infrastructure.
54. Separate to the above, Horsham District Council is not the Local Planning Authority for the entire district, with a significant amount of land, including 1,545 homes, being located within the South Downs National Park – and to which the South Downs National Park Authority is responsible for planning matters, including the preparation of its own Local Plan. However, neither the current nor proposed standard method figure takes account of this. This point has been made during previous consultations that related to previously proposed changes to the standard method. This point was also reiterated at a recent PAS/MHCLG event, but the response given was that no data exists. The

data does exist – the Government need only ask National Park Authorities and/or the constituent local authorities for it.

55. We ask therefore, that the spreadsheet be updated to apportion the Horsham District figure between Horsham District Council and South Downs National Park Authority – and for other such affected authorities.
56. Lastly, there needs to be a process for fixing/freezing the assessed housing need figure at the start of the process of preparing a Local Plan. Notwithstanding that the some of the changes made seek to smooth out the figure, the number will vary at least annually (or more if the datasets are released at different times, as is the case now). It is hard enough to prepare a Local Plan in any case, but the task is made more difficult by having a constantly moving target – which has knock-on impacts on discussions with infrastructure providers, environmental bodies and other stakeholders in order to understand whether the altered development assumptions can be accommodated – and can add delays to the process of producing a Local Plan.

## Chapter 5 – Brownfield, grey belt and the Green Belt

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

57. We **agree** that the proposed change to the policy wording makes clear that development on brownfield land should, in principle, be seen as acceptable. However, it should be recognised that not all brownfield development is suitable for development – e.g. it may have gained biodiversity value or contribute to placemaking. Despite this, we **do not understand** from the consultation material what ‘brownfield passports’ are and the impact that they will have on the planning system. This needs further explanation as it is a term that has not been defined.

### 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?

58. We **agree** as this seems a sensible change to the approach to planning in the Green Belt.

### 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?

59. Expansion of the definition of PDL to include hardstanding and glasshouses does raise a concern and could have unintended consequences over the ability of the nation to adapt to horticultural changes and requirements and, on balance, would **not support** the widening of the definition. This would need to be borne in mind when permitting glasshouses in the first instance and could either lead to increased refusals or a pressure to locate in places less favourable for horticultural/agricultural practices. Both hardstanding and glasshouses can cover large areas within the countryside where the principle in favour of development becomes more complicated and less sustainable given the remote locations where they exist - e.g. lack of facilities, quiet narrow roads and/or roads not suitable for increased levels of traffic, inappropriate impact on the landscape from urbanisation, etc. The land value uplift between horticultural/agricultural land and housing land could see a number of horticultural/agricultural establishments being lost irrespective of whether they are viable, on the best agricultural land and/or undermine national food safety, etc.
60. An initial key aim of the planning system was to help protect the countryside for its own sake and to prevent corridor development. Such a blanket change to the definition of PDL would undermine the principles of sustainable development and the ability of the planning system to help create sustainable communities. Instead, if minded to proceed, regard could be given instead to an amendment to the NPPF which highlights that where large horticultural glasshouses lie next to a settlement boundary and lie on poor quality agricultural land (e.g. Grade 3b-Grade 5) such sites could provide opportunities for settlement expansion, rather than amend the PDL definition to include glasshouses.

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

61. In general, we **agree** with the definition proposed. However, we think that clarity will be needed as to how to determine 'strongly' as referred to in criterion a), as otherwise it will give rise to inconsistencies across Councils and debate at Local Plan examinations and during planning application appeals. We would therefore expect Planning Practice Guidance to give more explanation on this point.

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

62. We do not have any additional measures to add. As an aside, however, we note that this question uses the term 'high performing'. Is this to have the same effect as 'strongly perform', as proposed to be introduced in the NPPF? Terminology is important, and thus this reinforces the point that we make in response to the previous question that there will need to be clear guidance in order to deliver the outcomes that the Government expects.

**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?**

63. As seen in response to the previous two questions, we **agree** that additional guidance is needed on how to determine how land contributes to Green Belt purposes. While we think the proposed definition is helpful as a starting point, there needs to be further guidance provided in the PPG on this matter. Our view is that the PPG is the best place for guidance to be located given that it can be easily amended and go into more detail than is desirable to include within the NPPF itself.

**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?**

64. As above, we think it is a good starting point but is light on detail and, as such, further guidance will be necessary.

**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?**

65. Nature Recovery Strategies will apply to the whole of the UK, and not solely to areas of Green Belt. It is considered that Nature Recovery Strategies could therefore have a wider benefit to all local plans and ensure biodiversity targets are met. Therefore, it is requested that there is a wider policy arrangement which enables all (and not just Green Belt LPAs) to contribute to nature recovery and access to green space (e.g. Green Gaps), and prevent settlement coalescence in key locations. An example in West Sussex would be the 'Weald to Waves' scheme which seeks to link the high weald habitats in a continuous corridor to the South coast. Guidance and clarity would need to be provided on its interpretation (in both GB or non GB areas) to assist local communities and neighbourhood plan groups.

**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?**

66. We **agree** as it would seem that these are logical basic principles to underpin how Green Belt land is released.

**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?**

67. We **agree**.

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

68. We **partially agree**. We do not agree that the Housing Delivery Test is a good measure for demonstrating the performance of a Local Planning Authority – whether the LPA has Green Belt or not. This is because a situation could arise where a Council has identified a sufficient supply of land in their Local Plan and/or approved a sufficient amount of applications to enable housing to be met, which are then not brought forward for reasons outside the Council's control and as is highlighted in other responses in this document. This would not benefit communities as they would be subject to speculative developments which are known to provide limited infrastructure to support new development. In some situations, the development industry would in effect be rewarded for land banking and therefore increasing their chance of gaining planning permission on other sites.
69. Instead, we think that the development on Green Belt (and indeed on other types of undeveloped land) should only be encouraged through the development management route when Councils have made a deliberate decision not to release Green Belt land to meet development needs as part of their Local Plan 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?**

70. We think it sensible that policy relating to Green Belt is consistent for all land uses.

**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?**

71. As above, we think it sensible that policy relating to Green Belt is consistent for all land uses, including traveller sites.

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

72. We **do not understand** why the assessment of Gypsy and Traveller need would differ in approach depending on whether an authority has the Green Belt designation or not. The assessment of need should be assessed consistently, in accordance with established practice and Green Belt authorities should exhaust possibilities for meeting such needs – including by releasing Green Belt in the sequential approach described elsewhere in this chapter.

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

73. From our reading, it is not clear how the proposed approach in the 'golden rules' differs from the approach elsewhere local authorities are allowed to determine a tenure split suitable for local circumstances.

**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?**

74. We are **supportive** of increased affordable provision, which this proposal would likely assist in achieving. That said, it is not clear why such a requirement should not be applied for all greenfield land release – not just Green Belt land.

**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?**

75. Again, we are **supportive** of this measure, but it is not explained why such benefits are not nationally required for all greenfield land release.

**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?**

76. We do **not understand** why the proposed NPPF changes are silent on the issue of benchmark land values outside of the Green Belt. There would be huge benefits in clarifying this for all land releases, not just in the Green Belt. The value of all agricultural land (whether or not in the Green Belt) is generally low, and an assumption remains that development of open countryside is the exception, when all other options (such as brownfield sites and infill/windfall) have been exhausted.

77. The principle of refusing to accept inflated landowner or developer profits at the expense of the public good should be a principle that runs throughout the NPPF and the planning system, not just limited to Green Belt areas. Indeed, Option c. in the consultation prospectus, paragraph 29, is based on the approach taken by the Greater London Authority and currently applies to all land within that jurisdiction (whether previously developed, greenfield or Green Belt). Hence, we support the setting of indicative benchmark land values or ranges for development in the Green Belt, but also for development outside the Green Belt too. Doing so would bring great public benefit, for example with regards delivery of affordable housing and community infrastructure, and would also bring certainty to all involved in the process, and reduce the scope for lengthy and costly negotiations on viability matters. This would benefit both the preparation of local plans and the determination of planning applications.

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

78. We do not have a view as to which specific option should be selected, but as our previous answer, the selected option should apply to development outside as well as within the Green Belt.

**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?**

79. We support this option being explored further, but with respect to all potential development land and not just land within the Green Belt.

**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?**

80. If development complies with policy, including affordable housing policy, we **agree** that additional contributions for affordable housing should not be sought. This is already the situation, however, so it is not clear how the proposals represent a shift in policy.

**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?**

81. We have no comments in relation to this question but welcome that mechanisms which may yield fairer outcomes are being explored. Any outcomes should be applied consistently to all areas, whether within or outside the Green Belt.

**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?**

82. We have no comments in relation to this question but would revert to earlier responses questioning why 'golden rules' will only apply in the Green Belt.

**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?**

83. We have no comments in relation to this question.

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

84. We have no comments on the proposed wording. We have no detailed comments on the proposed wording aside from supporting it in principle and requesting that it applies to all land released for development, or at least to all greenfield land. Therefore, the title should be amended to 'Viability in relation to-development land' and consequential changes made to the wording to remove references to Green Belt specifically.

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

85. We have no comments in relation to this question.

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

86. As we are not an authority which has the Green Belt designation, our responses to some of the questions in this section are limited. As can be seen in some of our responses, we do query as to why some of the proposals could not be applied to all types of greenfield development.

87. Nonetheless, we are **supportive** of the general intent of the changes proposed to Green Belt policy. For too long, local authorities such as ours have faced pressure from authorities that have Green Belt to meet their unmet needs because of an unwillingness of such authorities to make difficult decisions and to review Green Belt boundaries. This is centred around the common misunderstanding within communities of what the Green Belt seeks to do – with many believing it to be an environmental designation, which it is not.

88. Given the misconception around Green Belt, we would go further than the consultation document and recommend that the term 'Green Belt' is changed to better reflect its purpose, perhaps to 'Urban Containment Zone', as others have suggested. This may help with the roll out of the policy proposed in the new NPPF. Similarly, we think the term 'grey belt' is somewhat confusing as, taken literally, a belt would describe a continuous loop – while the consultation document seems to regard 'grey belt' as unlinked pieces of developed land within the Green Belt. In reality, such land is more accurately defined as 'grey land'.

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

**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?**

89. We do **agree** that the needs for Social Rent should be considered when undertaking assessments and setting relevant policies. We have attempted to do this as part of our current plan-making process but specific mention within the NPPF would be helpful and ensure a consistent approach across authorities. Furthermore, to assist with this, it would be helpful for MHCLG to set out clear

guidance on the methodology for assessing the need for Social Rent in particular. This is because, in our experience, it has proven overly complex for even experienced consultants to disaggregate Social Rent need from the need for other forms of rented affordable housing, which in turn makes it difficult to provide robust evidence of the need for Social Rent when formulating planning policies.

90. From our knowledge and relationships with Registered Providers (RPs), Social Rent does not seem like a typology they are keen to help deliver, as they are less profitable to them than properties provided as Affordable Rent. If they do provide properties as Social Rent, it's likely that it would mean that a reduced number of affordable units are provided as a whole.
91. We have seen that RPs appear to be focussing their resources on updating and retrofitting existing properties. To encourage more Social Rent, in addition to changes to planning policy, the Government will need to fund the RP sector more fully, with incentives or ringfenced funding to encourage the delivery of Social Rent.

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

92. We **agree**. Work undertaken to inform our current plan-making process has highlighted that the current requirement for affordable home ownership is undesirable. This is as our evidence suggests that our most pressing needs for affordable homes comes from those who are seeking rented accommodation and that many who seek affordable home ownership can meet their needs through lower priced market housing. Providing such accommodation to a prescriptive target therefore can deprive people who are in greater need of affordable housing opportunities (i.e. those who do not qualify for or are unable to afford even low-cost home ownership, or have specific need to access rental accommodation).

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

93. We fully **support** the removal of this requirement. The requirement did not address our most pressing need for affordable homes (see response to question above) and the cap meant that First Homes could only be delivered as one and two bed units, given house prices in Horsham District render larger units subject to the maximum £250,000 sale price unviable to deliver (given excessive discounts on market value would be required). This outcome would in turn restrict the ability of the Council to provide affordable rented homes of smaller units to meet evidenced needs.

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

94. We think Councils should retain as much flexibility as possible to respond to local needs and particular circumstances. As such, we **agree** that the option to deliver First Homes can remain, though our experience is that neither local authorities nor Registered Providers desire their delivery.

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

95. This is already established practice and this we **support** encouragement for this approach within a revised NPPF, noting that this is set out in draft in new paragraph 69.

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

96. We support MHCLG's position that development delivering a high percentage of Social Rent (or other affordable housing tenures) should be supported. There should not, in our view, be arbitrary barriers to delivering such schemes. There are many examples of successful affordable-only tenure housing schemes with a high proportion of affordable rented or Social Rented units, albeit these will generally also feature low-cost home ownership too. Appropriate ways to deliver these, thereby supporting national and local plan policies seeking to deliver such schemes, could be:

- Encouraging and supporting Councils in direct delivery of affordable homes on Council-owned sites;
- Ensuring flexibility of using Section 106 funds and other sources of funding to support Council-led projects that aim to boost affordable housing delivery of tenures that meet priority needs;
- Support Councils in finding opportunities to assemble portfolios of small sites to offer to housing associations as a package, thereby achieving a suitable critical mass to justify investment;
- Consider supporting and encouraging Joint Venture schemes whereby Councils partner with registered providers to unlock sites and ensure suitable tenures.

97. Whilst this Council is progressing small-scale projects to directly build new affordable housing, we are also aware of local authorities delivering such schemes on a much bigger scale. For example, Oxford City Council has a housing company called OX Place which intends to build some 2,000 new homes over the next 10 years which will include more than 1,100 affordable homes, focusing on Social Rented units. Successful schemes could be drawn on in other locations – albeit retained stock authorities clearly have an advantage when it comes to raising funds.

98. We would also highlight that it has become ever more challenging to deliver Social Rented solely through the planning system (i.e. 'Section 106 schemes') for well-known reasons (e.g. lack of viability, lack of interest from RPs, lack of grant funding, inflexibility of rules governing the spending of Section 106 funds). In addition, Councils such as HDC do not have a large retained stock to borrow against to deliver affordable housing (as Social Rent or otherwise). Therefore, changes going beyond simply changing national planning policy will be necessary. This would include making it easier and cheaper for local authorities to acquire land via compulsory purchase for the purposes of constructing affordable homes as the high cost of land acts to prevent social rented homes from being brought forward due to viability.

**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?**

99. We are not best placed to advise on this particular matter. However as in our answer to Q52, it is likely to be unhelpful to place arbitrary barriers or limits on the delivery of modern and well-managed Social Rented housing.

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

100. Horsham District is a predominantly rural authority but is not a designated rural area in terms of the provisions of NPPF Paragraph 65. As such, we are unable to require affordable housing in developments of fewer than 10 homes, even though this is likely to be viable in the district (and was historically before the 10-home cap was implemented). This would be of benefit to rural communities which have needs for affordable housing.

101. We would therefore suggest that the NPPF is changed to allow all local authorities to require affordable housing and/or contributions for affordable housing, with any minimum threshold for seeking affordable housing being for determination at the local level (i.e. through local plans). This will ensure a consistency in how national policy is applied across the country and assist the delivery of an increased amount of affordable housing in rural areas.

102. A further change that could be considered is more explicit support for rural exception sites as defined in the NPPG Glossary (new paragraph 80 refers). This might best be achieved via an update to the Planning Practice Guidance (paragraphs 011 onwards in the 'Housing needs of different groups')



chapter), for example to clarify that a lower hope value should apply to any unallocated site that might nevertheless be suited to a rural exception development (i.e. similar to one of the options proposed in this consultation for green belt development). This however would need to be balanced against the need to incentivise such sites to come forward. The same principles governing exception sites should apply to rural designated areas and non-designated rural areas such that non-designated areas are no longer at a disadvantage.

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

103. We are **supportive** of the suggested changes though note that the delivery of appropriate accommodation for 'looked-after children' is ultimately up to authorities other than Horsham District Council.

#### Question 56: Do you agree with these changes?

104. We **support** the changes referenced in the consultation document to strengthen provisions for community-led development by allowing groups to include those originally set up for a purpose other than housebuilding and removing the size limit for community-led exception sites, where established in the development plan. Aside from changes to national policy, we would encourage the Government to examine how bodies such as Community Land Trusts can be given more support, as local authorities often do not have the resources to fulfil this effectively.

#### 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?

105. We do not have strong views about whether to make changes to the definition to include organisations that are not RPs. We are however conscious that the whole affordable housing definition is almost a page long and highlights a point that the whole issue is complicated and causes confusion with the public as to what is considered to be 'affordable'.

#### 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?

106. Though it varies year-on-year as a proportion of overall delivery, small-sites make a valuable contribution towards housing delivery in Horsham District. We have policies in both our current and emerging Local Plan to support development on small sites within built up areas, supplemented by site specific policies in Neighbourhood Plans and a policy relating to exception sites. An allowance for windfall is identified in our emerging Local Plan of 1,680 units and includes the provision of 10% housing on sites of 1 hectare or less. We therefore are supportive of the principle of encouraging more small site developments, but this must happen in a sustainable manner and reflecting local engagement and preferences.

107. Accordingly, our approach successfully delivers a mix of site sizes without specifically identifying the amount of small sites suggested by the NPPF in our emerging Local Plan and therefore **would not support** the strengthening of the existing minimum threshold-based policy.

108. As well as taking the ability away from our communities to identify small sites through their Neighbourhood Plans and potentially causing complications with the calculation of windfall supply, a requirement to assess small sites would be incredibly resource intensive and is frankly unnecessary. This is because our windfall sites come forward where the principle of development is already accepted in general terms. It would also require the LPA to attempt to predict which potential sites within (already acceptable areas in policy terms) may become available in a 15-year plan period in order to allocate them. Given the huge number of types and forms of windfall that could be generated this is an impossible task.

109. Horsham District is some 530km<sup>2</sup> in size. Our Strategic Housing and Employment Land Availability Assessment contains over 800 sites and excludes sites which would deliver less than five homes. It already takes a significant amount of the Policy Team's time and resource to produce. If we are

required to assess and consider allocating smaller sites, the workload would increase and plan-production would take even longer than is the case now. Furthermore, a compulsion to allocate or support development on an arbitrary minimum size of sites would likely lead to piecemeal, unsustainable patterns of development in the countryside that do not align with infrastructure investment and works against key NPPF principles. Alternatively, allocations of sites may be artificially reduced to meet such a criteria, limiting the number of homes that is delivered and this would run counter to government aspirations.

110. In our view, there are potentially more effective ways of increasing the supply of small sites. One such measure is by strengthening guidance for those undertaking neighbourhood plans that there should be deliverable allocations that make a meaningful contribution to meeting local housing need (as framed by local authority-wide housing need calculations as well as parish/neighbourhood based assessments). Another is strengthening requirements for developers to undertake meaningful engagement with both the local community, and the local planning authority, to ensure that developments are fully responsive to local needs and sensitivities. A third is for national policy and guidance to set clear expectations as to what types of small sites may and may not be suitable, taking into account for example access (safety, impact on existing residents), local services, ecology, landscape, risk of coalescence, heritage and historic settlement pattern.

#### **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?**

111. We did not agree with the introduction of ‘beauty’ and ‘beautiful’ into the NPPF and thus would **welcome** its removal. Planning policy should give clarity to all involved in the planning system and the imposition of subjective terms went away from this basic principle. Rather than requiring ‘beauty’, it would be better for guidance to support design that is high quality, and can be evidenced as functioning well.

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

112. We found the previous language relating to mansard roofs unusually prescriptive and went against the previous Government’s encouragement to local authorities to set locally derived design codes detailing design expectations. We thus **support** the removal of such language.
113. Despite this, we would welcome greater flexibility for Councils to introduce their own requirements towards the issue of design and extensions. Though we acknowledge the importance of maximising development opportunities, extensions should be implemented within the context of a design code or design guide to ensure the local character, street scene and vernacular are respected. This would vary from area to area – e.g. Victorian Terraces, 20<sup>th</sup> century development, urban or suburban character and the height and appearance of buildings.

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

114. We do not have further suggestions.

## **Chapter 7 – Building infrastructure to grow the economy**

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

115. We think the proposed changes clarify the Government’s position in relation to economic development and thus we are **supportive** of them. However, economic development also generates infrastructure

demand (e.g. transport and utilities) and this will also need to be a consideration. It should also not come at a cost of locating other critical infrastructure such as health care or education as well as national strategic infrastructure.

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

116. We do not have further suggestions.

**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?**

117. It would seem sensible to include such development within NSIP if it is determined that proposals are of national significance.

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

118. We do not have a view in relation to this question.

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

119. We do not have further suggestions.

## Chapter 8 – Delivering community needs

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

120. The Council is keen to ensure that public service infrastructure comes forward to support the needs of the community, particularly where growth is being accommodated. Thus, we **support** the additional text in this paragraph but in truth, local authorities are already very likely to be supportive, and indeed lobby for, increased infrastructure provision.

121. In reality, for some infrastructure types such as schools and GP services, it is not the planning system through the determination of planning applications and/or wording of the NPPF or Local Plans which is likely to prevent infrastructure coming forward. Generally, it is the inability of infrastructure providers to deliver services that satisfy the community's needs due to lack of resources, investment and support to ensure this is delivered will be required.

122. In the case of highways improvements, the effect of the high bar of NPPF Para 115 is to make it harder, especially for a lower tier LPA, to secure appropriate highways improvements. This is a particular issue for improvements to enable active travel and create low, speed, low traffic liveable neighbourhoods. In the many situations where highway design does not fall sufficiently short to trigger Para 115, it needs to be easier for LPAs to require a development to provide highways changes that meet current guidance on active travel, promote Vision Zero objectives and create good place design.

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

123. Again, we **support** the proposed changes that clarify that the planning system recognises that childcare and post-16 provision is required to meet the needs of existing and new communities. However, the ability to actually deliver this is beyond the ability of Local Planning Authorities like ourselves who are reliant on providers to deliver such services and facilities.

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

124. We are **supportive** of the reference to a vision-led approach as it marries with the approach that West Sussex County Council, as Highways Authority for Horsham District, take.
125. Notwithstanding the above, concern is expressed over the proposed additional wording, “in all tested scenarios”, to existing NPPF paragraph 115. Though understanding the intent of the proposed change, from a basic reading, the change would allow an applicant to test unrealistic assumptions to support their development and avoid the refusal of an application on highways grounds, even if it would very likely cause unacceptable impacts. We thus suggest that the proposed wording is changed to read “in all realistic scenarios”, or similar. The importance of accessibility of public transport, including multi-modal trips (bus / bike or bike/ train) should be tested. Design such as the need for secure parking of cycles must also be considered.

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

126. A clear national approach to hot food takeaways could be provided, either in the NPPF or in the forthcoming NDMPs, setting out the Government’s expectations in relation to proliferation to such uses and whether it would be possible to prevent certain unhealthy uses being approved in proximity to schools. Such an approach would need to be introduced in combination with a review of permitted development rights and/or the use classes order given that LPAs now have limited ability to prevent change of use of commercial premises to hot food takeaways.
127. The Government should also consider given regard to ensuring there is sufficient space for a variety of outdoor sport and recreational space, both at school and communities as a whole, via quantity standards because this is something planning can more readily control, unlike the Sport England ‘Sport’s Pitch Calculator’ which is not publicly accessible and is hard to link to any specific development and therefore often cannot be secured because it falls outside the tests of conditions/section 106s. This would enable the planning system to ensure that at least the minimum open space requirement is provided within all new school grounds and also retained, as well provided within development schemes. Once the space has been secured this enables leisure departments to advise developers/planners what sort of sport/recreational would be most effective to help guide layouts/sign off of conditions.
128. Active travel in communities as a whole, and also to and from schools, is important in achieving healthy communities and tackling childhood obesity. Providing the infrastructure for active travel is also an essential part of achieving success. This is increasingly challenging when there are fewer and larger schools which serve a wider catchment area, or a trend for ‘super GP surgeries’ with larger centres with a wider catchment area. These often too far to reach by bike or foot as well as too busy to provide safe access by bicycle (or at least perceived to be safe by parents of school children). In addition to this, particularly in respect of primary schools, safety issues (real and perceived) limit many children walking to and from school alone. This, coupled with the increasing need for a ‘two income’ household to cover accommodation and raising a family which can limit the time available for school drop off and pick up, means many parents resort to driving even if limited parking is provided often resulting in pavement/bad parking (in response to sustainable transport measures aimed at getting pupils to school more sustainability), which in turn can make it less safe for those who do walk or cycle. Good design of development is critical with a need for walking and cycling to be embedded into the scheme design from the earliest stages of design. Green spaces, and high-quality scheme layout, and opportunities for different forms of healthy lifestyles (e.g. provision of allotments) should all be considerations.
129. Reducing traffic levels and speeds, together with separate facilities along main roads may encourage more walking and cycling due to safer (perceived or otherwise) routes. Any active travel promotions must recognise the difference between urban and rural areas. For example, in Horsham District, many of the secondary and smaller settlements in the District have limited bus access to Horsham

town and other surrounding larger settlements. There is no requirement on bus companies to cross subsidise the non-profitable routes by the profitable routes, and local transport authorities have limited resources after a decade or so of public sector austerity to subsidise existing non-profitable routes let alone new routes. This encourages car journeys, particularly when no longer distance active travel routes are in operation. Consideration of adequate funding to address these issues is therefore vital.

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

130. We do not have further suggestions in terms of planning policies, but it may be useful to reflect within chapter 9 of the NPPF the need for Highways Authorities to assist Local Planning Authorities (where they are different organisations) in providing advice in order to help determine planning applications and prepare Local Plans. Such advice should be responsive to the principles of sustainable travel set out in the NPPF, and should allow for creative solutions to achieve this (for example, avoid inflexibility in applying highway design standards where this may stymie opportunities for sustainable travel).

## Chapter 9 – Supporting green energy and the environment

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

131. This would appear to be a sensible change.

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

132. Horsham District Council has declared a climate and ecological emergency. In principle, we therefore support changes to the planning system to give greater support to renewable and low carbon energy. Despite this, identifying which parts of a local planning authority is suitable for different types of energy sources is likely to take technical expertise that the Council does not possess. Thus, the Council would likely need to procure such expertise, which will require expense and will likely add time to the production of a Local Plan. On balance, we therefore **do not support** the proposed change, unless adequate resourcing is provided to LPAs ensure that this work can be undertaken effectively.
133. If it is seen necessary to introduce the proposed amendment, we believe that it would be necessary to produce detailed guidance in relation to what is required, including the level of detail that the policy and supporting evidence should include. This will help reduce unnecessary expense in addressing the requirement. As outlined above necessary funding and resources would need to be established. Given that this will in effect become a national requirement, consideration as to whether it may be appropriate to undertake such study on some form of sub regional basis may also be appropriate and a more cost effective use of resource.

#### 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?

134. If the Government wishes to protect particular habitats from a specific type of development, we **agree** that that this should be explicitly stated with the national policy.
135. There may, however, be circumstances where renewable and low carbon energy could be installed within such habitats whilst at the same time protecting and enhancing them, especially as technology advances or where micro-generation is proposed. It is considered the stance should be a presumption against the development of such habitats and sites but recognition that through the planning process consideration can be given to the individual circumstances of proposals where evidence demonstrates the habitat/site will be protected and appropriate enhancements provided.

**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?**

136. We do not have comments in relation to this question.

**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?**

137. The Council does not have a particular objection to the change in the proposed change to the threshold. However, it should be noted that solar projects are often located in rural areas, where concerns about the impact of proposals on the local landscape are often raised as objections to these proposals. Therefore additional government guidance on the consideration and acceptability of landscape impacts of such proposals will be beneficial to local authorities in the assessment and determination of such applications, particularly as larger schemes will be consented at a more local level.

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

138. We do not have comments in relation to this question.

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

139. National policies should consider enabling local planning authorities to set (evidence based and viable) energy, water efficiency and adaptation standards. Consideration should also be given to enhance the ability to identify land required to help establish nature recovery corridors, and land with importance for flood protection and enhancement, to ensure this is adequately taken into account when considering development proposals. Whilst these may be based on national tools or evidence, the inability to vary standards where new technologies are emerging limits the ability to innovate and drive change from the 'bottom up' as well as top down. Whilst we note that certainty is preferred amongst the development industry, limiting the ability of Local authorities to consider alternative local approaches will slow down the delivery of change and mitigation and adaptations where these are trialled and proven to be effective. In the case of North West Sussex authorities, this change will also help to unlock more development, in the context of the water neutrality issues we face and which are set out in more detail in response to Q86.

**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?**

140. The tools and technology are advancing at pace. Similar to the BNG metric, it would be good to have a clear national tool to be applied by the planning system rather than each authority having different metrics. The challenges are time/plethora of matters a planner has to consider, in ever increasing detail, in order to determine a balanced view when determining applications and developing planning policy. There is an ongoing conflict between the national/applicants' desire to quicken up the planning process versus the need for the planning system to be ever increasingly flexible in order to take into account ever increasing technological advancements and wider matters.

141. In addition to this, another challenge is the proposed increases in the commercial EPC ratings (eg currently EPC rating of band 'E' required, proposed increase to band 'C' by 1 April 2027 and band 'B' by 1 April 2030). Many industrial and storage buildings are relatively old, which often offers premises at lower rents for businesses. There is growing pressure for the loss of existing industrial sites to housing on the basis that refurbishment/redevelopment for commercial uses would not be viable when the higher EPC ratings are taken into account.

142. It is important for each region to retain a mix of employment and employment generating uses so that it can survive market failures that occur over time in some sectors and, also, to provide a range of skill level jobs. Further consideration should be given to this before introducing the higher EPC ratings for commercial premises. If Government continues with the proposal, there will need to be some form of intervention, either to make available funding for the necessary upgrade, or to prevent the development industry acquiring such premises and then arguing that it is no longer viable to continue providing commercial premises, owing to the costs of upgrades, and using the situation to promote housing development on commercial land. Though we recognize the importance of residential provision, it should not be at the expense of jobs if the aim of the planning system is to deliver sustainable development.

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

143. There needs to be a review over which organisation is the lead body in respect of SuDS management and maintenance and/or enforcement with the resources to address problems. There is merit in the provision of SuDS but given much of our drainage system is comprised of old combined sewers, problems arise when SuDS are left unmanaged/silt up because surface water can flood into combined sewers that were not required to take account of the water capacity to be handled by SuDS. This can therefore lead to not just localised surface water flooding but also flooding of the combined sewers.

144. Greater regard should be given to nature-based solutions as outlined in response to question 78 of this consultation, including regard to the benefit that beavers or other natural management solutions can provide in respect of flood risk management especially within rural locations (and therefore the respective land requirements and biodiversity net gains).

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

145. Either through the NPPF or the NDMPs, it is considered possible that Government could be more encouraging of smaller-scale actions, which could assist in tackling climate change. This includes:
- Encouragement of solar technologies on non-north facing roofs, with a clear position on the appropriateness of such technologies on heritage assets.
  - Clearer guidance on lighting to help minimise adverse impacts on biodiversity and light pollution.
  - Clearer guidance on the use of plastics within development, e.g. PVC windows, guttering, etc. and promotion of natural materials and their reuse within new development.
  - Lack of climate change adaptation is often difficult to use as a reason to justify refusal of a development proposal alone. Stronger planning guidance and statements that measures and sufficient supporting evidence to justify an application for a scheme to be acceptable will help ensure that changes are provided and implemented.

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

146. Local Planning Authorities are encouraged to avoid repetition and apparent contradictions in the production of planning policy. As such, the same should apply within national policy. Accordingly, though we think that land for food production is rightly recognised as important in national policy, we are **supportive** of the removal of this footnote.

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

147. In Paragraph 21 of this chapter of the consultation document, a problem is identified that policy gives no indication of how authorities are to assess and weigh the availability of agricultural land when

making planning decisions. Given this, we think it would be valuable to provide guidance that enables authorities to make decisions in line with Government's expectations.

148. In response to question 22, we have explained our view in relation to glasshouses and PDL. Clearly a change that encourages development on existing agricultural sites, will negatively impact on food production.
149. There may be value in the Government setting out a national approach to where it considers where certain crops would be more suited to different regions, whilst recognising climate change (e.g. increase in vineyards) and the need for a certain degree of national and regional self-sufficiency to help minimise travel miles and/or increase sustainability.
150. Regard should also be given to how grazing has shaped the landscape, for example the South Downs, and can impact on nature conservation both positively and negatively. In view of the ongoing work being undertaken on nature recovery strategies and networks which has to engage farmers, the holistic approach could consider the role of regenerative farming (as evidenced by Knepp Estate and the Weald to Waves project) to ensure nature and farming are not mutually exclusive. This would help to reduce the more polluting intensive farming practices helping not just food security and nature but also helping to reduce climate change.

**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?**

151. We do not have specific suggestions on how to do this, but we do agree that the NSIP regime is the best place in which to determine proposed water infrastructure projects of national importance. We know, for instance, that Southern Water are in the early stages of promoting a new water recycling plant at Ford and that they identify that obtaining of the necessary consents (including planning permission) is one of the main issues that could cause delivery of the scheme to be delayed. If this consenting process could instead be conducted through the NSIP regime, this would likely increase predictability of timescales.

**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?**

152. We do not have comments in relation to this question.

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

153. Through discussions with MHCLG officials, the Government should be aware of the water neutrality issue that exists in the Sussex North Water Resource Zone. In short, Natural England submitted a Position Statement to affected authorities in September 2021 which indicated that abstraction of water at Hardham was likely having a negative environmental impact downstream on the protected Arun Valley sites and that further development would add to this impact, due to the need for new development to consume water. As such, Natural England recommended that we should not be approving development unless development could be demonstrated to be water neutral.
154. The situation has impacted significantly on approvals and consequent delivery of development in Horsham District, through no fault of our own. This has been the main cause of delays to our Local Plan, which was submitted for examination in July – despite an initial Regulation 19 version of our Local Plan being considered by our Cabinet in July 2021, a short time before the Position Statement was received. It has also been the main reason as to why the Council's housing land supply position is poor and why the Council's performance against the delivery test has seen a severe downwards turn.
155. Despite not being awarded the same level of funding as authorities in Cambridgeshire to deal with the similar issue, for reasons that have not been made clear to us, we have worked tirelessly with partner authorities, government departments, environmental bodies and Southern Water themselves to develop a shared policy approach. The approach looks to enable some development to come



forward, provided that proposals achieve high water efficiency targets and offset any water consumed through either an authority-led offsetting scheme currently being developed (known as SNOWS – Sussex North Offsetting Water Scheme) or through private arrangements.

156. Ultimately, it is our understanding that it will be until at least 2031 that water neutrality will continue to impact on Horsham District. That is the timeframe provided to us by Southern Water for when they expect to bring online the Ford Water Recycling Project, which is likely to be part of structural change to how water is provided in the Water Resource Zone and thus, is likely to see Natural England's Position Statement be withdrawn. Until that time, development in Horsham District will necessarily be limited when compared to the figure identified through the standard method. You will likely be aware that Southern Water's new Water Resource Management Plan has been subject of delays and that previous water efficiency targets have not been met by them. As such, it may well be that water neutrality continues beyond 2031. Given this background, and as we communicate in response to Question 103, an immediate review of our Local Plan will be ineffective as the reason that limits growth will not be resolved. Ultimately, though the issue is being considered through the Local Plan - the problem lies with actions that can only be solved directly by Southern Water and through regulatory regimes relating to water infrastructure. The affected Councils are not in control of approving and/or delivering water infrastructure.
157. Thus, and following previous discussions with Government officials, we had expected there to have been language in this consultation relating to water neutrality and the ability for authorities to be able to insist on high water efficiency requirements – above that set out in building regulations. It is regretful that this is not included as part of the proposed reforms, and we repeat previous calls for clarity as to the Government's position on whether they are supportive of having high water efficiency requirements in such circumstances. We think the Government should be encouraging of Councils seeking high water efficiency standards in Local Plans, where evidenced, and this reflects the issue highlighted in paragraph 24 of this chapter of needing a 'twin track' approach to improving water supply resilience – whereby water efficiency is needed alongside new infrastructure. In our circumstance, not doing so adds uncertainty as to whether high water efficiency can be required in new development and should we be unable to set such requirements in our Local Plan, it will mean that we will be less able to accommodate development – acting counter to the Government's ambitions in relation to house building.

## Chapter 10 – Changes to local plan intervention

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

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

158. We provide a single response to these questions to avoid repetition and overlap. The Council accepts that the Secretary of State has the power to intervene in plan-making in a similar way to her powers to intervene in the determination of planning applications.
159. We have never been subject to intervention but are aware that decisions are based on criteria set out in the 2017 Housing White Paper that have not been codified into finalised legislation or national policy. The previous Government seemed to use the criteria inconsistently, with some authorities being subject to intervention and others not, even in very similar circumstances. We thus **agree** that should update and clarify its position.
160. We do not have a view on the specific wording of the criteria, but we do advise that the Government should use the criteria consistently, so that the intervention procedures are both clear and fair, giving the necessary certainty to plan-making authorities as to the Government's position.

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

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

161. We **agree** with the proposal to increase householder fees to fully cover the cost of delivering the service.

**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.**

162. As above, we **agree** with the proposal and the rate of increase indicated in Q91.

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

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

**If No, please explain and provide evidence to demonstrate what you consider the correct fee should be.**

163. Yes, we **agree** with the estimate of £528 as a cost recovery figure.

**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.**

164. Yes, there are a number of application types where we feel the current fee is inadequate. It is considered that all Prior Approval applications do not cover cost and are set particularly low between £120 and £258. It is considered Prior Approval applications would take as long, if not longer, than a householder application and should therefore be set at, at least £528.

**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.**

165. Yes, there are application types where there is currently no charge, and we consider a charge should be imposed. This includes listed building consent, demolition works in a Conservation Area, works to a TPO tree and a Hedgerow removal notice.

166. Whilst we recognise owners cannot opt out, many would have been aware at the time of purchase and it is not considered the Council should have to fund an application for works relating to private property, particularly as in many cases we need to advertise the proposal in a local newspaper and bear that cost. It is considered that a nominal figure to reflect the external and administrative costs should be set, which would provide a balance where the LPA would still cover the cost of the professional assessment element of the proposal. Setting a very high figure could risk in increased rate of unauthorised works, with commensurate increases in enforcement investigations.

**Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?**

167. It is our view that LPAs should have some ability to set fees locally to reflect the particular circumstances in that local authority area, such as covering salaries which reflect the cost of living locally. It also enables LPAs more flexibility to change fees more quickly, for instance, if inflation rises.

**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**

168. The preferred model would be to allow for local variation, providing any nationally set fees are increased by inflation every year. This would enable an LPA to use the nationally set fees if it was felt they are appropriate for the local area and cover costs, but also allow the LPA to review particular fees and set locally if these did not cover costs.

**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?**

169. There should be recognition when setting planning fees that the determination of a planning application isn't solely undertaken by the Development Management function. Accordingly, the cost of the fee should take account of specialist input required to determine applications – for instance, from landscape, heritage, ecology, drainage, arboricultural, environmental health, policy, legal and housing colleagues.

170. Different Councils have different structures, reflecting that specialisms will be dependent on unique circumstances. For instance, as a landlocked authority, we do not have officers who deal with coastal erosion. However, due to the issue of water neutrality, we do have officers who provide advice on water neutrality statements.

171. Accordingly, it is not considered that such costs can be addressed by adding a certain percentage to the nationally set fee, but rather our preference would be that Councils can add, as a variation of nationally set fees. As indicated in Q95, it is our view that Councils should be allowed the flexibility to set fees to cover the true costs of determining applications, relevant to the type of application and depending on local circumstances.

**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?**

172. When setting fees, there should be recognition that to deliver a successful planning service, local authorities need a Local Plan. Local Plans are expensive to produce, requiring expert knowledge and skills that the Council does not possess and thus needs to procure. In the last four years alone, the Planning Policy team has spent over £1.1million on a range of studies, expert advice, etc. (such as Strategic Flood RAs and detailed transport assessment work) – most of which is attributable to the production of the Local Plan rather than other elements of its service. These studies are imperative to meet the NPPF tests of soundness.

173. In addition, now that the Local Plan has been submitted for examination, the Council will be required to pay the costs of the Inspector, hiring rooms, printing materials, etc. These costs are significant and are in addition to staff costs, which are also considerable and are well into the hundreds of thousands of pounds each year.

174. It is our view that Government should allow Councils to charge a fee to promoters for consideration of their sites in the Strategic Housing Land Availability Assessment, and also consider the cumulative

impacts of multiple allocations through our transport studies, SFRA evidence work and so on. It should be noted that much of the work provided by site promoters with information is drawn upon when submitting applications. But, even accounting for that, Councils are unlikely to ever receive a significant amount of money through such a charge to fund anything near the full cost of the service. As such, Councils should be allowed to vary nationally set fees to cover the costs of plan-production or, be able to recover costs directly from Government – for instance, on submission or adoption of a Local Plan.

175. Similarly, the cost of enforcement activity (known as Compliance at HDC) is also significant and includes both costs of Officers and legal advice. An effective enforcement regime is essential to ensure confidence in the planning system but is not funded through fees. Accordingly, Councils should be allowed to account for the costs of the enforcement when setting planning fees.

**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?**

176. Yes. While there are aspects of work involved in a development consent order (DCO), such as responses to early consultations, which could reasonably be expected to be covered by local authorities using existing internal resource, much of the pre-application engagement and subsequent contribution to the examination stage of a DCO application, is likely to require in-depth technical resource, across multiple disciplines, over a significant period of time, which planning authorities themselves cannot realistically be expected to bear the cost of without the option of cost recovery.
177. In many cases, local authorities will look to engage additional resource, such as a full-time officer to lead on the Council's involvement as well as technical consultants for specific environmental matters, and legal representatives, to ensure the interests of communities and the environment are represented sufficiently. It is not realistic or appropriate to expect the financial burden of local authority involvement in a DCO application to fall squarely on local authorities particularly given the risk that, without support financial support, the development of Local Plans, and progress of vital local development, may be jeopardised. Cost recovery should also be extended to non-technical roles, such as Project Managers or Coordinators for larger scale DCOs where it may be appropriate for local authorities to share resources and a coordination role is necessary.

**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.**

178. It would be entirely appropriate for the Government to define a point in the DCO process whereby cost recovery should commence. For local authorities engaging with an application for development consent orders there is a period of technical work required before any formal application is made to the Planning Inspectorate by an applicant. In the interest of productive pre-application engagement and the smooth-running of any examination period, local authorities must have the option to recover costs incurred during the pre-application stage as well as the examination period where there can be no certainty about the scale and number of outstanding unresolved issues to be addressed. For this reason, and taking into account the differing scale and complexity of DCO applications, any cost recovery plan should be flexible and respond to the specific needs of each local authority involved.

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

179. The Council does not have any specific thoughts on what limitations might be appropriate but reiterates the need for as much flexibility as possible to reflect the varied scale and complexities of DCO applications. As explained in response to Question 101, the costs can be significant – even when the authority is not a 'host', because impacts from nationally significant infrastructure will likely be of a large-scale and its effects will go beyond local authority boundaries. By way of example,

Horsham District Council was not a host authority in the recent Gatwick Airport DCO, but the airport directly adjoins our district boundary, with residents of our district directly impacted. As such, we think that cost recovery should not just be limited to host authorities.

**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.**

180. It is very difficult for local authorities to anticipate what future costs might be as so much of this is dependent on the DCO applicant - on the quality and volume of the evidence they provide early on versus towards the end of the process, and the extent to which the engagement is meaningful and allows issues to be explored and resolved. The hope is that, if local authority costs could be recovered, the applicant is more incentivised to make sure any engagement is of a high quality and that there is a genuine desire to reach agreement.
181. We have two current DCO applications that we are involved in. Though we are not a host authority for the Gatwick second runway DCO, as the operations of the airport has impacts upon Horsham District (the airport immediately abuts our boundary with Crawley Borough), we have worked alongside other authorities on the application. The time and resource spent has been significant. One senior Planning Officer has been assigned to the DCO and though this has varied over the past three years, they have spent at least 50% of their time at the initial stages and more recently spent almost all of their time on this matter – other colleagues have also contributed to the work. In addition, we have spent money on various specialist consultants (e.g. noise and air quality, legal support, etc.) to fully explain our position and seek solutions to some of the impacts likely to be caused by bringing into use a second runway. Combined, we have therefore spent over £250,000 on assisting with the application.
182. The other DCO was the Rampion 2 Offshore Wind Farm, to which Horsham District was a host authority due to the onshore infrastructure (comprising substation and cabling route) being located within our district. One senior Planning Officer was assigned to the DCO with detailed advice sought from other Officers within the Local Authority Planning and Environmental Health functions. Although officer workload time dedicated to the DCO varied over the past three years, this rose significantly during the 6 months of Examination. For periods during the Examination, workload time to the DCO for the assigned officer was around 80% and similarly significant time was spent by the other officers in providing advice. In the event of a positive DCO decision, there will be significant ongoing administrative burden post decision to which the Local Authority made representation at Examination to be recognised in cost recovery for the Local Authority.

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

183. In previous consultations, we have suggested that planning fees should be ringfenced to ensure that they relate to the cost of providing the service. Government will need to clarify its expectations in relation to such fees.
184. As is evident from our response to the above questions, costs incurred from involvement in DCOs can be significant and don't just fall on the host authority(ies). As such, and as explained in response to Question 100, it is our very firm view that Councils such as ours should also be able to recover costs for the time spent assisting with the determination of the DCO.

## Chapter 12 – The future of planning policy and plan making

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

185. The Council submitted has submitted its Local Plan for examination and thus will be subject to the provisions of the proposed NPPF paragraphs 226c and 227. Accordingly, our response to this question focuses on the relevant transitional arrangements.
186. Firstly, we **agree** that the examination of our emerging Local Plan should not be affected by the publication of a revised NPPF when it comes into force. It would clearly not be fair for a Local Plan to be examined under rules not in existence when it was submitted and doing so would cause delay in progress of adopting our emerging Local Plan. Per the existing paragraph 230 of the NPPF (December 2023), it is understood that our Local Plan will be examined under the September 2023 version of the NPPF.
187. We note that the new transitional provisions require local authorities to review their Local Plans when the standard method figure is 200 dwellings or more higher than the figure identified in a Local Plan. No rationale is provided for the 200 figure and without such explanation it appears arbitrary. Though we don't agree with this element of the transitional arrangements in any case, if a figure is to be used, a proportionate approach with a percentage target would seem to be more appropriate. Either way, there needs to be some explanation as to how the target level has been chosen.
188. We do not agree that an immediate review of the Local Plan should be required. Our current emerging Local Plan does not fully address the standard method figure that exists now. This is chiefly because of the water neutrality issue, of which MHCLG is aware. Simply put, we don't have the evidence to show a higher rate of development could be accommodated without abstracting water at levels likely to cause further harm to protected features of the Arun Valley sites. This will be explored further during the examination process and is expanded upon in response to question 86 of this document.
189. We recognise that we will need to undertake a review of the Local Plan when the water neutrality issue no longer presents a reason to limit growth. However, our understanding is that it will continue to be impactful in the short to medium term, likely until a major infrastructure is delivered by Southern Water (indicatively targeted for 2031). In this set of circumstances, it does seem that an immediate review upon adoption is not likely to be effective in achieving the Government's goals of increasing housebuilding because the main barrier to growth will likely still exist. All it will do, is force the Council to divert resource away from other activities – such as the production of design codes – to produce a replacement Local Plan that may not differ significantly from that which has been recently adopted.
190. Accordingly, we are of the view that there needs to be a mechanism that allows specific circumstances to be taken into account. We thus suggest that that should this transitional arrangement be brought forward, an exception is added to paragraph 227 which reads “unless a specific review mechanism is included in the adopter Local Plan and/or was recommended in the Inspector's report.” This would enable Council's that find themselves in uncommon circumstances to use resources effectively.
191. As we are not affected by the provisions proposed in the paragraph 228 of the new version of the NPPF, we do not offer comprehensive views to the impact of this transitional arrangement. Despite this, we do recognise that we are fortunate to have avoided being affected and sympathise with authorities who will have been preparing a Local Plan that will have to do further work to respond to the proposed changes in the standard method. On balance, we therefore feel that the timeframe of publication date + one month is too short and should be extended.

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

192. The Council notes the change in dates by which 'old-style' Local Plans can be submitted for examination and provides welcome clarity – extending the timeframe beyond that previously indicated. Given that our Local Plan is already at examination, this change does not impact us.

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

193. There is irony in that much is made of time taken to prepare Local Plans and delay in the plan-making process, yet there is no clear timetable for when the new plan-making system will be come into being, with a reference to 'summer or autumn 2025' covering a six-month window. Similarly, the only reference to National Development Management Policies is covered in this chapter, but we get no further information about them except that they will be produced in an accessible format.

194. An underlying cause of the issues that the consultation document identifies is the confusion and lack of certainty caused by constant reforms and consultations without a clear timetable when they will be introduced. The change in Government gives an opportunity to rectify problems of old and should be taken, thus a very clear timetable ought to be produced which outlines the expected future steps.

## **Chapter 13 – Public Sector Equality Duty**

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

195. We do not have comments in relation to this question.