

Government Consultation: Proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system (July - Sept 2024)

Response from East Hampshire District Council

East Hampshire District Council (EHDC) supports the Government's commitment to significantly boost the supply of homes to meet the growing needs of the population and understands we have a part to play. We have been progressing our Local Plan which includes proposed site allocations – moving forwards despite significant local objection. However, the housing number for East Hampshire is proposed to increase by 86%, to 1074 homes a year. We are gravely concerned about the impact of this immense increase in housing numbers on our rural district, where 57% is National Park.

We believe that the proposed changes to the standard method for calculating local housing need will greatly undermine the 'plan-led' planning system within England.

The significant increase in housing numbers and the revised requirements around housing land supply will reduce the ability of local planning authorities (LPAs) to use local plans to set out what is built and where. This will result in unsustainable speculative development that does not deliver the cumulative infrastructure requirements that are addressed through plan-making.

Since the introduction of the standard method in 2018, there has been no regard for rural areas such as East Hampshire and the complex nature of the South Downs National Park (SDNP), a separate local planning authority, accounting for some 57% of the District. As drafted, the proposed changes to the NPPF do not address this issue. As a result, a disproportionate amount of growth would be expected in East Hampshire (outside the SDNP), which would be at the expense of the natural and built environment.

These proposals will destroy the rural character of East Hampshire and put huge pressure on local services and infrastructure. There is merit in many proposed changes, but these are entirely overshadowed by the harm that will be done by the proposed increase in housing numbers. We urge the Government to think again. We welcome further discussions with the Government and make an open invitation for members of the Government to visit East Hampshire.

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

EHDC does not agree with the proposed amendments to paragraph 61.

As drafted, the wording does not take into consideration areas like East Hampshire that consist of two separate LPAs. The SDNP accounts for 57% of East Hampshire's total area and paragraph 61 and the associated Planning Practice Guidance (PPG) should set out this situation as an exceptional circumstance.

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?

No. Whilst the current wording currently associated with paragraph 61 adds uncertainty about when to use the standard method, it is considered exceptional circumstances do apply in some locations. Instead of removing reference to exceptional circumstances, such circumstances should be explicitly detailed within an associated footnote. These circumstances should include areas impacted by National Parks.

EHDC supports the Government's ambitions for housing growth but the unique situation in places like East Hampshire should be recognised when determining local housing need. Although the 'Proposed reforms...' document acknowledges there are some circumstances in which LPAs have to use an alternative approach due to the data in the method not being available, this should be outlined in the NPPF and not left to the PPG. Similarly, any associated guidance should clearly set out what any alternative method would entail for both separate LPAs to aid both the plan-making and decision-making process.

The lack of data at a LPA level, as well as not having a clear alternative will delay those particular LPAs when producing local plans. Without guidance, relevant LPAs need to spend significant resource on evidence to support an alternative and it also creates unnecessary debate during the Examination process, further delaying the adoption of an up-to-date local plan.

Overall, EHDC does not consider reference to alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF should be removed. Instead, there should be further clarity on the circumstances where an alternative approach applies and what that alternative would look like.

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

Yes, it is considered there is no demographic basis for applying an arbitrary 35% uplift to larger urban areas. However, EHDC strongly supports the underlying principle of focussing development in cities and large urban areas first. The removal of the uplift should not result in such places reducing their planned supply. The NPPF should be clear that cities and large urban areas should meet, and wherever

possible, exceed their own need, where this is consistent with the overall approach of the NPPF.

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

No, not entirely. The opportunity should be taken to amend the NPPF to emphasise that increases to residential densities should not be at the expense of good design, taking account of the guidance in the National Design Guide and National Model Design Code. Whilst it often makes sense to increase residential densities in urban areas where a choice of transport modes exists, there are areas of the country such as East Hampshire where this is not generally the case. National policy should take a more nuanced approach than is proposed, given of the diversity of places with very different built environments across England. East Hampshire has relatively few locations where the density of residential development, measured in dwellings per hectare, might be considered 'high' for a rural district (i.e. above 45dph). Instead, many areas within settlements are lower than 25dph, with some areas being less than 10dph. These low densities often create characteristic residential environments, where mature green infrastructure provides a significant influence on street scenes and creates positive relationships between settlements and surrounding countryside areas in terms of habitat connectivity, natural shade and shelter. Whilst it may be possible to successfully integrate higher density residential developments within these areas, such proposals run a substantial risk of undermining the neighbourhood's character. Furthermore, public transport networks in the district are often poor or non-existent. This means that increased residential densities typically serve to exacerbate a reliance on the private car and its problems for greenhouse gas emissions, local air quality and lack of support for healthy active lifestyles. In some rural areas developments rely on private drainage systems which create a need for larger plot sizes to accommodate the soakaways and drainage fields, this will impact on the density that can be safely accommodated in these areas.

There is enough in national design guidance to avoid the negative outcomes that can be associated with inappropriate increases in residential density; and national policy should therefore be revised to support its correct implementation. It is recommended that paragraph 130 is revised rather than deleted, to emphasise that residential densities should not be significantly uplifted where this would undermine the principles of good design set out in the National Design Guide and National Model Design Code.

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

Yes. It is well known that the resources and finances of LPAs are often stretched in meeting the demands of decision-taking and plan-making. The requirement to provide an authority-wide design code is therefore onerous for an authority that covers a large geographic area, given the significant differences that can exist between the rural and urban built environments and their design-related priorities. An all-encompassing design code is also at risk of losing its focus on the issues that

matter most for ensuring a high standard of urban design. For these reasons, it is sensible to target finite resources to areas where the most change is likely to happen and to code for design issues that are most important for realising the local vision for development.

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

No, EHDC considers that the amendments to footnote 9 are insufficient and will have the effect of undermining the potential for a plan-led form of development in districts such as East Hampshire, where the new standard method for assessing housing needs would dramatically increase a LPA's housing requirements. This is because the requirement to demonstrate a five-year supply of housing land on deliverable sites remains, making it less likely that relevant policies for the supply of land would be considered 'up to date' for very long, if at all. To illustrate this, it is worth considering East Hampshire as a case study.

Assuming the new outcomes to the revised standard method as a housing requirement for East Hampshire, a supply of land for housing equivalent to $(5 \times 1,074) \times 1.05 = c.5,639$ dwellings would be required to provide a five-year supply of housing land plus a five percent buffer. Based on historic information held by EHDC, there has never been supply to meet the proposed requirements over a five-year period. On average since 2008, land equivalent to 2,831 new dwellings has been considered available over a five-year period, with a maximum five-year supply of land for 4,269 new dwellings being available following the adoption of the Part 2 Local Plan in April 2016. This five-year land supply decreased to the long-term average after three years because the supply was built out. It should also be noted that the majority of past calculations around land supply predated (introduced in 2018) the definition of what a 'deliverable' site entails, further illustrating that it is extremely unlikely places like East Hampshire will ever have sufficient supply and the presumption in favour of sustainable development will always be engaged.

It is clear that the Government wishes to substantially increase house building to fulfil its manifesto commitments, but EHDC also notes that the text of the consultation reaffirms the Government's vision of a plan-led system of development (see paragraphs 2 and 20 of the consultation text). The imposition of an unprecedented five-year requirement is likely to mean that even when a new plan is adopted in East Hampshire, its provisions for housing supply would become out of date before the end of a five-year local plan review period, quickly leading to a situation of unplanned development through speculative planning applications for new housing. This is because, taking account of the Government's proposals for planning reform, the decision-making and development processes are unlikely to rapidly increase in a manner commensurate to the housing requirements in East Hampshire. To remedy this, it is suggested that either the proposals for a revised standard method are revised to limit the size of any uplift in estimated housing need; or that footnote 9 is revised so that where a local plan has been adopted within the last five years, there would be no requirement to demonstrate a five-year supply of deliverable housing sites in order to demonstrate that its policies are 'up to date'.

Notwithstanding this, the changes to the text of paragraph 11 part d), supported by a new footnote 8, are welcomed and supported as a helpful clarification. These changes are likely to reduce the exploitation of national planning policy for purposes of undermining the ability of decision-makers to refuse poorly considered housing proposals. For example, it should be clear that local planning policies that are intended to protect the environment should not be considered 'out of date' simply because a planning authority cannot demonstrate a five-year supply of housing land.

Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

No. Such an approach, combined with the outputs of the proposed standard method for determining local housing need will have a detrimental impact on having a genuine 'plan-led' planning system. See answer to question 6 for an illustration of this.

A similar approach to local plans should be made that is currently the case for neighbourhood plans, with a protected period of five-years from land supply considerations.

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

No, changes to paragraph 77 are not justified. It will be extremely difficult for LPAs to demonstrate sufficient housing land supply in light of the new standard method, which would result in more speculative development, in inappropriate locations that do not provide sufficient infrastructure when compared with growth determined in local plans. LPAs that have advanced the production of their local plans should not be penalised for this progression. EHDC considers the current requirement to only demonstrate a 4-year housing land supply should be maintained for those at the latter stages of plan-making.

It is more imperative that LPAs that have recently adopted plans are not penalised by land supply requirements. To incentivise the speedy delivery of local plans and to avoid unplanned development in unsustainable locations, LPAs with recent local plans should continue to be given certainty over a five-year period. The amount of time and money dedicated to plan-making, as well as the useful input from interested parties, including the public, is put in jeopardy with the emerging proposals on five-year housing land supply. The current position gives far more certainty and allow places to be shaped in a meaning and consistent way.

LPAs should not be penalised for over supply and meeting their local housing needs. However, it is considered greater clarity could be given on what period would be taken into account when determining over-supply. To restrict a longer period of undersupply following a period of over-supply, the Housing Delivery Test (HDT) could be utilised. Such an approach would meet the aims of both celebrating strong delivery records without diluting future ambitions.

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

No. EHDC considers the application of a 5% buffer is unwarranted and only offers an estimate of a position. Their removal provides a greater reflection of the actual situation. The addition of buffers penalises authorities whose local plans contain large strategic sites and have planned to meet needs in the middle to latter stages of the plan period.

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

Not applicable as EHDC does not agree any buffers should be applied to land supply calculations.

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

Yes. Annual Position Statements are time consuming to produce and by the time they are consulted upon and considered by the Planning Inspectorate they are often out of date.

However, EHDC does support the confirmation of its five-year land supply position as part of the examination of its Local Plan and the protective status it brings in the current NPPF. This element of policy should remain.

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

EHDC supports more emphasis on joint working and planning across boundaries. However, we are concerned about the 'requirement' to be consistent with other bodies.

EHDC prepares a Duty to Co-operate Framework that identifies cross boundary and strategic planning matters as part of the Local Plan evidence base. Noting the proposed wording of, "*Once the matters which require collaboration have been identified, strategic policy-making authorities should make sure that their plan policies are consistent with those of other bodies where a strategic relationship exists on these matters,*" – we have so far been able to identify and document the relevant matters, but would suggest that our Local Plan should not be penalised at Examination if there were a scenario whereby consistency couldn't be achieved due to another party not being willing to align, particularly in relation to unmet needs.

As described, meeting unmet needs from other areas as well as our own needs is unlikely to be possible in East Hampshire. Therefore, in such a scenario it wouldn't be possible to "Make sure plan policies are consistent with those of those bodies".

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

No. The tests of soundness are sufficiently encompassing.

More guidance could be provided on what is required for strategic scale plans, rather than amending the tests of soundness.

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

No.

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

Yes, EHDC considers housing stock is a more suitable baseline for the standard method when compared to volatile and unpredictable housing projections. However, there is a concern regarding the data associated with Table 125 and the information it uses. Firstly, as noted in Table 125, the total dwelling stock is estimated and utilises the Census count as a baseline. It goes further to state that District totals are expressed to the nearest ten dwellings but should not be regarded as accurate to the nearest ten.

The more concerning issue for EHDC is, similarly to the current standard method, the data input of the standard method is produced at a district/borough level and cannot be disaggregated between EHDC and the South Downs National Park Authority (SDNPA) as separate LPAs. This not only has implications on the plan-making process, but also decision-making as it becomes increasingly difficult to ascertain the requirement for EHDC's planning area.

The introduction of the standard method in 2018 was to assist all LPAs in the production of local plans. To date, there has been no guidance for places like East Hampshire on how to determine an alternative method. This uncertainty will remain based on the current proposals and without clarity on alternatives.

If housing stock remains the starting point for calculating local housing need, there needs to be a way forward for local planning authorities that do not have specific data. One solution would be to utilise Local Land and Property Gazetteer (LLPG) data, which would provide a far more accurate baseline and embracing digital planning, could utilise GIS to disaggregate between areas that are nuanced in the same way as East Hampshire. Every addressable location has a Unique Property Reference Number (UPRN), which can determine what address is residential, which would give a more relevant and accurate assumption of homes when compared with estimated ONS data.

Despite the above, EHDC considers it would be inappropriate to use housing stock when determining housing needs in national parks. Based on GIS data,

approximately 26% of East Hampshire's housing stock is situated in the SDNP. However, the SDNP was only designated in 2011 and therefore the existing housing stock does not represent a suitable baseline as the majority of homes were built before the area was affected by a designation that restricts development. Similarly, to apply a 0.8% increase to national parks does not represent a true reflection of historic growth. Since the inception of the SDNP in 2011, the increase in housing stock in the East Hampshire part of the SDNP has only averaged 0.60%. This figure was also distorted by significant growth in 2019 (1.11%) and 2021 (1.26%). When looking at average growth over the last three years, the dwelling stock in the East Hampshire part of the SDNP has only averaged 0.40%. Applying the proposed standard method to the SDNP part of East Hampshire would equate to approximately 293 dwellings per annum needed, whereas applying a more realistic growth rate of 0.4% would result in a local housing need of 147 dwellings per annum, a significant difference.

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?

Averaging affordability over a three-year period rather than one year is a welcome change to the standard method. Such an approach is likely to reduce the volatility of the data, limiting annual fluctuations in housing numbers and giving more certainty to LPAs when producing local plans. However, to further reduce any fluctuations, affordability should be averaged over a longer period to give a better reflection on the historic situation around affordability in each area.

EHDC understands the national crisis in the UK around affordability and the difficulties for people to buy new homes, which is particularly acute in East Hampshire. However, there are concerns on the use of affordability to continue to dictate local housing need. New build properties have inflated prices associated with them when compared with existing housing stock. Based on Land Registry data, as April 2024, in England, new build properties cost on average £420,532 compared to £293,702 for existing properties. Similar disparities are apparent in the South East, with new build properties costing £501,209 compared to £370,044 for existing properties. The same applies to East Hampshire, where a new build property costs on average £567,297 compared to £435,963 for an existing property. Therefore, building more new homes is unlikely to have a major impact on house prices. If local housing need is to continue to be influenced by affordability, the NPPF should consider other policy mechanisms to lower the cost associated with new build homes.

EHDC continues to support the use of workplace-based affordability ratios rather than residence-based. Although many residents in East Hampshire work outside the district on higher salaries, it is more typical that people choose to live where they work, therefore a workplace-based earning ratio is a better proxy for demand within the housing market. To depart from that approach is likely to have an adverse effect on those who either work or want to work in the district but are forced to live elsewhere.

Despite the above, adjusting the baseline using affordability ratios does not represent a true reflection of affordability in EHDC's LPA area. Similar to housing stock data, affordability ratios are based on a district/borough level and cannot be disaggregated between EHDC and the SDNPA as separate LPAs. Each year, EHDC is forced to commission consultants to analyse affordability at a more local level to ascertain a suitable output. The time and cost associated with this, not only delays EHDC's Local Plan, but the ability of the LPA to set out its housing land supply position to inform decision making.

Utilising 2022-based affordability ratios, the analysis produced by consultants has shown that the affordability ratio between EHDC and the SDNP differs significantly. Within the EHDC LPA the affordability ratio is 12.24, compared to 14.56 in the SDNP. This has an adverse impact of inflating numbers for the wider district, which due to the restrictive National Park designation, needs to be found in a smaller geographical area.

The proposed NPPF continues to accept the designation of a National Park may restrict development if it fails to conserve landscape and scenic beauty. Therefore, it remains that there is not an expectation that national parks will meet their objectively assessed housing needs in full. It would be inappropriate for such areas to use the standard method, and any alternative methods should be derived locally by the relevant national park authority, based on detailed guidance in the PPG. Similar, if EHDC is required to use the standard method, then the data should be able to be disaggregated between the two separate LPAs.

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

EHDC considers that affordability is given too much weighting within the proposed standard method. Across East Hampshire and many other areas in the southeast, an increase in housebuilding has not impacted house prices enough to improve affordability in the District. In particular, significant growth, beyond housing requirements in East Hampshire between 2018-2020 still resulted in an increase in affordability ratios. This is further exacerbated by the premium prices associated with new-build homes when compared to existing stock.

It is a misleading notion that increasing supply at a district-wide level will have any significant impact on house prices. It is often evident that housebuilders retain supply rather than expedite building to maintain market value of properties. These actions reduce market availability and preserve high house prices. It is imperative that other measures are put in place to tackle the issue of affordability, rather than simply building more homes.

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?

EHDC does not consider that affordability should be addressed by increasing housing numbers and building more homes. However, if affordability continues to

form part of the standard method, it should not be solely based on the ability of someone to purchase a home.

Based on the 2021 census only 62.3% of households in England own their home outright or with a mortgage. The remainder either are social rent, private rent or live rent free. Whilst home ownership is higher in East Hampshire (74.4%), there are still a large number of people who are renting their home.

It is therefore important that rental affordability is given due consideration when calculating local housing need. However, EHDC does not have any current suggestions on how this could be implemented.

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

EHDC would like to reiterate that both the current and proposed method for assessing housing needs does not physically work in East Hampshire due to the presence of two separate local planning authorities. Whilst the current consultation alludes to further guidance in due course, it is imperative that this explicitly sets out how authorities such as EHDC can calculate their local housing need. Without it, the plan-making in the district becomes delayed and more resource needs to be put towards establishing an alternative, with a high risk of subsequently being found unsound at Examination. Similarly, the decision-making process is affected as such LPAs cannot easily determine its requirement to inform housing land supply calculations. As a result, much time and resource is needed to defend planning appeals.

Overall, it is considered the proposed changes make a mockery of having a genuinely 'plan-led' planning system in places like EHDC. The significant increase in housing numbers, which do not adequately reflect the presence of the SDNP will result in a delay of the adoption of the local plan as not only more sites are needed, but more evidence to support any proposals. This will also come at a significant cost burden to the Council. The high numbers also give way to a considerable amount of speculative development on isolated sites without any supporting infrastructure. Even once a local plan is in place, the high housing requirement is likely to mean sufficient land supply is not maintained, resulting in overdevelopment further burdening existing infrastructure.

Methods of incentivising house building to commence work and build out their permissions should be considered including looking at possible options around council tax on unimplemented permissions.

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

Yes. This makes clear that brownfield land within settlements is suitable in principle for redevelopment.

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

Yes. Development of PDL in the Green Belt that would not cause substantial harm to the openness of the Green Belt would help boost housing supply in those Green Belt authorities, although this doesn't include EHDC.

EHDC is not a Green Belt authority, but there are development opportunities on PDL in the countryside, where appropriate. The NPPF provides detail on PDL in the Green Belt, and within settlements, but lacks clear direction on PDL in the countryside.

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

The inclusion of hardstanding needs careful consideration and may not be appropriate to be included. There may be scope if a distinction is made between hardstanding in a settlement and in the countryside. A little bit of hardstanding in the countryside could come about for many reasons or uses and be used as a default way to get housing development in unsuitable locations.

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

East Hampshire District is not a Green Belt authority – however that does not mean that how Green Belt land is treated in planning terms does not affect it. East Hampshire shares a boundary with a Surrey Green Belt authority (Waverley) and has received two requests from Surrey Green Belt authorities (Elmbridge and Epsom & Ewell) to assist with meeting their unmet housing needs. It was likely that a further request would emanate from Waverley over time. (Noting that East Hampshire is also subject to requests to assist with meeting housing needs from Havant, South Downs National Park and Portsmouth City).

East Hampshire is a rural district – whose countryside land is under continuous threat of development. It has been unfair and unjustified that countryside authorities have been forced to develop countryside land when lacking 5YS, when Green Belt authorities that consistently do not have 5YS are able to resist development simply because of Green Belt status.

EHDC welcomes this change to Green Belt policy, particularly the changes which relate to decision making as well as Local Plan preparation. Only with the threat of development gaining permission through the decision-making process due to lack of supply will Green Belt authorities take seriously the need to update local plans and relook at Green Belt land. It isn't acceptable for Surrey Green Belt authorities to ask for Hampshire countryside to be used to meet their housing needs if they have not explored fully the possible options for development of 'Grey Belt' land.

We don't have any specific comments on the definition of Grey Belt land, which no doubt Green Belt authorities will offer many comments on – just to reiterate that we support the introduction in planning terms of 'grey belt' land.

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

Please note EHDC's response to Q23. We don't have any specific comments on this aspect of the policy, which no doubt Green Belt authorities will offer many comments on – just to reiterate that we support the introduction in planning terms of 'grey belt' land.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Please note EHDC's response to Q23. No doubt endless appeals will follow that pour over the evidence regarding the level of contribution land makes to Green Belt purposes. We think any such guidance would be best placed in the PPG, which can easily be amended following any lessons learnt from appeals.

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?

Please note EHDC's response to Q23. No doubt Green Belt authorities will have detailed comments on this question – but the guidance must not be so convoluted that it becomes the outcome that none or little land meets the criteria. Green Belt authorities are likely to want to see changes that mean less land is suitable for development, so all comments need to be balanced in view of what is trying to be achieved – which ultimately is that Green Belt land that isn't serving its original purpose can be considered for development. Countryside authorities such as East Hampshire do not have the Green Belt protection, but some of the countryside land may be more 'sensitive' than some Green Belt land that does not serve its original purpose anymore.

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?

One of the purposes of Green Belt is to assist in safeguarding the countryside from encroachment. Local Nature Recovery Strategies are about how and where to recover nature and improving the wider environment. Identifying areas of Green Belt which overlap areas highlighted in the LNRS will add further protection and safeguards from development.

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?

We support the requirement for Councils to review their Green Belt if they cannot meet housing needs, following this sequential approach. It makes it clear that PDL is the priority, although when determining applications the framework should be read as a whole so there may be cases where PDL in the Green Belt is not suitable for development for other reasons, such as transport. Such locations may be very remote and inaccessible - however para 147 (144) makes this clear “give first consideration to previously developed land *in sustainable locations*”. (emphasis added).

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?

This is made clear in para 145 (142); “unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of the plan as a whole”. This is a distinction between a particular site and its contribution to the Green Belt, and the Green Belt in the area as a whole. It is quite a high bar, which no doubt the Green Belt authorities will object to.

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

Yes. Only enabling the prospect of development on Green Belt through decision making will push Green Belt authorities to progress a Local Plan quickly and meet their housing needs. Otherwise, there is no real push to do so.

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?

Vibrant communities need a wider variety of development than just housing. We have seen that said many times in our consultation responses – most importantly to help reduce travel, access to jobs, education and healthcare needs to be near to new housing. As such, it is sensible to not restrict the proposed changes to Green Belt policy to just housing. Presumably the proposals include other forms of housing such as older persons housing?

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?

Given the high need for Traveller accommodation, to not apply the same policy to Traveller accommodation would need to subject to an Equalities Impact Assessment, and the Government consider whether this would be a fair approach. It is difficult to envisage the justification for not being consistent for housing and Traveller

accommodation. That said, if to be treated the same, the Government ought to consider aligning other aspects of planning. Currently, PPTS treats planning for Traveller accommodation differently to planning for housing, particularly with regards to how needs are assessed. Also noting that Traveller accommodation doesn't pay CIL. As such, the Government needs to ask itself whether it wishes to maintain separation of these or align more – as if Traveller accommodation gets the benefits of this change to Green Belt policy, then it ought to be aligned on things like how need is assessed and paying CIL.

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?

It is our view that the assessment of need for Traveller accommodation, and PPTS needs considerable overhaul. Many authorities have a 'documented' high need which cannot be met – yet at the same time in East Hampshire we have many pitches (approx. 18 pitches) occupied by non-Travellers that are currently the subject of enforcement action. We are experiencing Travellers applying for pitches stating need, then renting them to members of the settled community seeking low-cost housing. This is not meeting a need for Traveller accommodation.

We are not able to meet the needs of the people assessed in our GTAA as the current sites cannot be extended due to significant constraints (400m SPA, FZ3 etc), and the Travellers do not want to move away from their existing sites and families, or the sites simply aren't available (as they are being rented or kept vacant).

The system itself does not work. The Government needs to look closely at how needs are calculated, and how Traveller 5YS is measured.

We are often told by other authorities and residents that we should make provision on large strategic sites, but then we are told by the GTAA consultants and the Travellers that these pitches aren't wanted, and it is small rural locations that are desired. However currently the system isn't working, and in some parts, it is being taken advantage of. Assessing the need of individual people is painstakingly detailed and doesn't deliver.

We understand the reason the Government has moved quickly on NPPF changes, but we urge the Government to look as quickly at PPTS and deliver change too. We would be happy to share our experience with the Government and discuss further.

We do not question that some Travellers need accommodation, particularly a significant need for Travelling Showpeople accommodation. But the system is being taken advantage of in parts and isn't delivering for the people who really need accommodation.

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

Whilst it appears that this question relates to Green Belt land that is being allocated for housing and there are no Green Belt designations in East Hampshire, we agree with the proposed approach that it should be for the LA to determine the tenure split of affordable housing.

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?

Although there is no Green Belt in East Hampshire, we think that the LA should be able to set their own targets. A petrol station or industrial building classified as Green Belt would likely cost a lot more to develop than a site in the countryside adjacent to residential housing. Therefore, there should be a difference for greenbelt vs greybelt.

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?

Although there is no Green Belt in East Hampshire, in principle we do support the proposed obligation to improve or create green spaces that are accessible.

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?

Although there is no Green Belt in East Hampshire, in principle, support is given to setting indicative benchmark values for land released from or developed in the Green Belt. It is anticipated that other neighbouring authorities containing Green Belt designations will have more detailed responses to this question.

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

Although there is no Green Belt in East Hampshire, consideration should be given to different benchmark land values for Green Belt and Grey Belt land, as the value will obviously differ between these. East Hampshire suggests a mid-range level of values should be used to appease both landowners and developers, to ensure future growth is not hindered by this policy. It is anticipated that other neighbouring authorities containing Green Belt designations will have more detailed responses to this question.

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?

Although there is no Green Belt in East Hampshire, in principle we support a reduction in scope of viability negotiation. A reduction in negotiations will allow the communities greater opportunity in receiving the maximum benefits from the requirements provided via the golden rules.

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?

EHDC agrees that no additional contributions for affordable housing should be sought where development is policy compliant. However, EHDC questions whether exemptions should be made to this for authorities that have a proven high unmet need of affordable housing.

Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

Yes, it would be useful to have late-stage viability reviews, for those that have agreed contributions below the level set in policy. This is due to economic conditions having the potential to alter over the delivery time of development. Late-stage negotiations should occur at the cost to developers. If developers argue this cost, then funding assistance/support should be provided by government.

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?

A golden rule for Traveller sites should be that the pitches are for those specifically being identified as in need in the GTAA. Gaining planning permission in the Green Belt for Traveller sites should not be for some hypothetical general need – it should be for a specific identified need and the permission conditioned for those named households.

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?

Draft plans at Reg19 stage will have completed an Infrastructure Plan and Viability Study. Applying the 'golden rules' to such sites may cause delay to the plan as

evidence base, and drafted site allocation policies would need to be revisited. As one of the main aims is to get more up to date plans in place, if any plans are at Reg19 stage and meet the requirements of Para 226, then we would suggest it is best to let those plans proceed and get them in place as soon as possible.

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

No comment, we are not a Green Belt authority therefore not best placed to respond to this question. However, please note our response to Q23.

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

Whilst EHDC makes no specific comment on this question as we are not a Green Belt authority, we do note the emphasis and detail regarding Green Belt that is not apparent for countryside land. Countryside authorities such as East Hampshire do not have the Green Belt protection, but some of the countryside land may be more 'sensitive' than some Green Belt land that does not serve its original purpose anymore.

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

No.

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

Yes, we agree that EHDC should undertake a needs assessment to determine the exact level of need for different affordable housing tenures, including Social Rent. We can therefore set our own policies in order to address this need.

We will also seek to introduce a social rent policy within our Local Plan to help those in areas where "affordable rented" housing is still not affordable.

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

Yes, we agree with the removal of this requirement as in East Hampshire it only provided smaller homes (1 & 2 bed) due to the £250k price cap. Our AH policy exceeds the 10% requirement, and we will always seek a mix of rented and intermediate tenures. This ensures the affordable housing that is delivered in the district meets a range of needs. In most scenarios an affordable housing scheme that consists wholly of rented housing will be unviable or not deliverable by the housing associations.

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

Yes, we agree with removing the First Homes requirement. The policy reduces the number of social/affordable rented homes we can help deliver. First Homes are not often affordable in the south, East Hampshire have only managed to provide apartments or 2-bedroom houses. This often impacts the overall affordable housing mix, and it causes additional staff resource as we need to ensure they remain affordable (30% discount) in perpetuity.

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

Our preference would be for rented and other intermediate tenures such as shared ownership to be delivered on exception sites. As mentioned, we can only deliver small unit types due to the price cap. Most exception sites need a range of house types and are often unsuitable to include a high percentage of flats due to the rural location/street scene. LAs know the need for rented tenures and there is a long history of shared ownership being in demand and deliverable on exception sites. Starter Homes exception sites were not delivered, so preference is to remove the reference to First Homes exception sites as it's a similar tenure.

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

Yes agree, EHDC recognises the benefits of mixed communities and supports this in principle.

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

Including a policy that ensures "a minimum" number of homes delivered are social/affordable rent. This is often deliverable through LAs Local Plans, but social rent will not be delivered on a large scale unless there is legislation that makes it an obligation. As it stands, social rent is often delivered as "additionality" by Housing Associations when they purchase additional market housing and utilise Homes England grant funding. Although grant cannot be used on s106 schemes, could Homes England introduce funding that helps to subsidise a number of social rented homes that are delivered through s106. Without this or legislation, affordable rented housing will be the preferred tenure 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?

EHDC consider any safeguards should be dictated by the housing need for that area. LAs hold data on the need for affordable housing, so are best able to advise on a suitable number and whether sites are appropriate.

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

The cost of land in rural areas is often a barrier to delivery. Since the NPPF loosened the exception policy, landowners are often holding out to get their land allocated or want to deliver large housing schemes that exceed the need.

The values previously agreed (£10k per plot - rented unit) are no longer of interest and the smaller Housing associations do not have the funds to purchase these sites and deliver them. The major RPs are more commercial and are focused on large s106 sites or delivering their own sites and additionality. Rural exception sites have therefore become difficult to deliver due to the viability of land and those willing to deliver the smaller schemes.

Stricter legislation may be the only way to ensure sites come forward in rural areas, or increased Homes England grant could be made available for 100% AH rural exception sites that meet the local communities needs.

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

No specific objection to this as long as the data is available.

Question 56: Do you agree with these changes?

No comment on these changes.

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?

If the amended definition enabled the delivery of more affordable housing, then we support this change.

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?

Paragraph 70 of the existing NPPF requires that to meet the policy requirement for small and medium sites, a small site must be identified within the development plan or a brownfield register. However, many small sites within East Hampshire come forward through the planning system as windfall sites that are not specifically identified within the plan-making process, and often before they can be included on a revised brownfield register. It is difficult to predict when and where these sites will come forward because they are unlikely to be in the hands of large companies (e.g. volume housebuilders) that have the resources to engage with a LPA for monitoring purposes. It can therefore be difficult to justify the inclusion of any potential site as an allocation within an emerging local plan, especially because the current definition of a 'deliverable' site would be applied when examining the merits of a prospective site

allocation. Furthermore, it is likely that many small sites would be permitted through the planning system under existing policies (national or local) before a local plan is examined and adopted, given the relatively short timescale over which most small sites emerge, gain permission and are developed. This means that there are many structural reasons why the plan-led system will have difficulties with incorporating enough small sites within the development plan to meet the national policy requirement – although it should be noted that this doesn't prevent small and medium-sized sites from gaining permission and being developed in East Hampshire.

A further reason why it will be difficult to increase the number of small sites within the development plan is that proposals for new development are promoted by landowners and developers in view of the constraints and opportunities inherent to the land in question. Physical features and environmental constraints typically dictate the plausible dimensions of a site and therefore its capacity for development. It may be neither feasible nor sensible to develop a specific location as a small site. In other circumstances, there is likely to be a greater financial incentive for the landowner/developer to promote a larger area for development through the local plan instead of a notional small site. In the context of nationwide increases to housing requirements, the local planning authority may also be more interested in increasing the development potential of the land, particularly if this could lead to greater improvements to infrastructure through additional CIL or Section 106 monies.

In the context of the foregoing, the Government should avoid changes to national policy that constitute a more stringent version of the current, top-down approach. Option d) – a requirement to produce authority-specific small-site strategies – would likely be the most appropriate mechanism for increasing the number of small sites coming forward for development, as it would enable local planning authorities to formulate place-based approaches, taking account of the particular issues for small-site delivery within their area.

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?

Yes. References to beauty do not in themselves add anything significant to the requirements for achieving high standards of urban design and architecture. The detailed guidance within the National Design Guide and National Model Design Code (supported by the requirements of the NPPF) are sufficient without mention of the word: 'beauty'. This term and its cognates are often used in everyday language as part of an emotional (subjective) response to a real or notional state of affairs, which is typically unhelpful when it comes to establishing a reason for decision-making that can be appreciated as valid notwithstanding the speaker's emotional state. NB: there remains a reference to beautiful places within paragraph 129 (now paragraph 127 of the proposed NPPF) that could be deleted for sake of consistency with the proposed changes. The amendments to paragraph 138 are also supported in that they confirm the centrality of the National Model Design Code for producing local design codes, but also acknowledge that other design tools and processes could help to improve the design of new development.

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

No, not entirely. Whilst the current focus on mansard roofs is indeed disproportionate (this form of development may be out-of-character in some contexts), the deletion of reference to prevailing building heights is concerning. Whilst there may be local design policies and standards in place to regulate building heights, this may not be the case, or these may not specifically take account of potential impacts on heritage or landscape features (their visibility, prominence and thus perceived significance) that can be affected by building heights. EHDC therefore suggests that the words 'height and' are retained in the revised paragraph 122, part e).

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

No.

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

EHDC neither agrees nor disagrees with the proposed changes to paragraph 86 b) but seeks further clarification on the proposals. Clarification should be provided as to any potential consequences should LPAs not be able to identify strategic sites. Clarification is also sought regarding the wording "should" in relation to identifying sites with suitable locations for the uses such as laboratories, gigafactories etc. How strong is the emphasis on "should"? Would LPAs be penalised by not being able to find such sites for such uses in suitable locations? If so, how would LPAs be penalised?

It should be noted that EHDC is evidenced as being a rural district which does not contain large employment centres that benefit from local labour nor the local market for goods and services (EHDC HEDNA 2022). Out-commuting is the main trend in the district, to areas with higher paid employment opportunities. It should be noted that such proposals of data centres, gigafactories, freight and logistics could be unsustainable to some rural LPAs, such as EHDC, that lack strategic employment centres and supporting strategic transport links. EHDC has very low job densities across the district, therefore emphasis in the district should be on higher job yielding uses, such as industrial/manufacturing. East Hampshire is unlikely to be able to accommodate industrial development at the scale of gigafactories / large data centers. The only operational gigafactory in the UK is Nissan (Sunderland), which is 362,000 sq m. By way of comparison Vanguard logistics park, one of the districts largest employment sites, accommodates just over 32,000 sq m of employment floorspace. It is not guaranteed that companies will be attracted to locate to rural LPAs, nor the provision of a local or commuting workforce.

In principle, EHDC supports the changes proposed to paragraph 87. It is understood that such changes would allow modernisation, boost the economy and contribute to climate change.

With regard to changes proposed in paragraph 86b) and 87 no mention is made to the potential detrimental impacts that could occur on the environment and supporting utilities i.e. water supply or electricity, that would be a resulting consequence of the increased use. Data centres, gigafactories etc are highly dependent on large scale electricity and water supply and this will have consequences on regional, and potentially, national infrastructure. The environmental impacts and supporting infrastructure requirements of these proposed economic uses should be recognised and documented in the NPPF with associated mitigation requirements stated. The proposed uses cannot be considered and proposed in isolation but instead a holistic approach should be stated.

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

EHDC has low vacancy rates for industrial space and that this should be the focus for the district's commercial development (HEDNA 2022). EHDC has a relatively strong representation in the manufacturing sector (10% of employment) and the professional, scientific and technical sectors (9.3% of employment) after the generic largest contributors of wholesale and retail, education and health. It would be good to see manufacturing supported via the new changes to ensure local productivity and modernisation continues within the region. Support and modernisation of local manufacturing would pose a possible contribution to the reduction of carbon.

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?

These three uses are very different in terms of economic impact in terms of job numbers and productivity GVA impacts. Laboratories and gigafactories have a very significant economic impact when compared to data centres. Laboratory uses would be more appropriate for EHDC as they would generate high job densities and higher value employment. Laboratories could be developed on a scale commensurate with the scale of employment sites in East Hampshire. East Hampshire also has a presence of scientific and technical roles with 9.3% of employment in professional, technical and scientific sectors.

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

Yes, EHDC believes that a limit of scale should be imposed if it did extend to such developments. Limit of scale would need to be very large and relate to a strategic nature or acting as a support to the region i.e. should only relate to developments that are providing an invaluable service equivalent to that provided by equivalent infrastructure currently part of NSIPs.

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

No

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

Yes, we entirely support this change. For decision making it is helpful to subscribe the amount of weight, to ensure it is clear how important this is. We have received applications for small scale development for expansions of health facilities, nurseries and education and even when there is local opposition, we need to have a specific sentence in the NPPF which can be referred to.

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

Yes, we entirely support this change. We are pleased to see this addition, having argued in our evidence base and decision-making process that Early Years education is 'education' for planning purposes and should be attributed the 'great weight' referenced. It is extremely helpful to have this explicitly made clear in the NPPF.

We have allocated CIL funding to expansion of nurseries/pre-schools based on need and their status as education and given great weight when decision making to proposals to expand, so this is an extremely helpful change. Early years has for many years been overlooked in terms of the contribution it makes to communities and education, and we greatly welcome this recognition.

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

Yes, in respect of the changes to paragraph 114. EHDC is implementing a 'decide and provide' approach to the transport assessment for its emerging local plan and supports the transition to a more vision-led approach to assessing and mitigating the potential transport impacts of new development. Transport interventions that support walking and cycling as attractive, convenient and safe modes of transport will be an important part of tackling the climate emergency, improving air quality and supporting healthy and active lifestyles. The proposed changes to parts a) and d) of paragraph 114 appear to support EHDC's local plan vision of 'living locally' through locating new development within walking or cycling distances of some local services and facilities.

Further clarity is needed to understand the implications of the proposed change to paragraph 115. It may be that the new clause 'in all tested scenarios' is intended to support the acceptance of proposals that would rely on increased mode shift towards the most sustainable modes of transport, in order to avoid unacceptable or severe impacts, even though these changes in travel behaviour would be unproven. But it would also be possible to test a scenario in which major road infrastructure

improvements could mitigate highway impacts for a development – and for this to pass the amended requirement of national policy – even though this could be supporting future car dependence. It is unclear what the proposed change for paragraph 115 is intended to achieve, but it should be written so that it does not support unintended consequences. EHDC would like to see changes to national policy that are appropriate to supporting and prioritising the use of active travel modes for local journeys.

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

One of the significant contributions of the planning system to achieving this aim in East Hampshire has been the allocation of CIL funds to health, education and sport infrastructure, following the adoption of our CIL spending protocol in 2021. To do this, evidence needs to be in place to support those decisions. We have updated our Sports Facilities Strategy and Playing Pitch Strategy 2024, to ensure we know which sporting projects are needed. We also prepare our own Community Facilities Study, and annually update it. This has greatly helped to ensure CIL funds are directed towards important projects. We have also created and sustained a positive working relationship with the Integrated Care Board (ICB) and some individual doctors' surgeries. Whilst some policy amendments in the NPPF might have benefit to this overall aim, we feel it is the channelling of developer contributions and CIL to specific projects on the ground that make the most overall difference.

We would like policy to assist us to continue doing this, but also to ensure that other authorities do so too. We believe that many authorities don't spend their CIL swiftly or are particularly selective about projects that they fund making it hard for key projects to receive funding. There are authorities collecting CIL which don't have Spending Protocols in place.

Dialogue with organisations such as Sport England and the ICB has led us to believe that East Hampshire is quite unique in our approach, and that other authorities are reluctant to spend CIL on sport infrastructure, and don't have sufficient evidence in place. This needs to change as this is where the main benefits can be achieved. Also, any authority collecting CIL should have a CIL spending protocol in place.

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

No.

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

Yes. In order to meet the challenges of the climate emergency and to continue to decarbonise the generation of electricity in the UK, it is reasonable to include large onshore wind projects within a simplified and expedited decision-making process, as described within the consultation material. Nevertheless, it will be important that this

process is designed to ensure that the concerns of local communities are recognised and that local environmental considerations are taken into account.

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

Yes, the proposed changes to paragraphs 160-164 of the NPPF are supported as they increase support for renewable energy development and remove unnecessary text. EHDC recognises the urgency of the climate crisis and the need to rapidly decarbonise energy generation as part of a pathway to net zero greenhouse gas emissions. For plan-making purposes, it is recognised that identifying areas that are suitable for renewable and low carbon energy generation could assist developers to understand where planning applications are more likely to be acceptable in the context of local environmental constraints. However, it will remain important to recognise that the suitability of areas for renewable and low carbon energy generation can change over time due to emerging evidence, or through new landscape or biodiversity designations. Provided that this is reflected as a caveat to any information that is fixed at a point in time within an adopted development plan, EHDC does not have any significant concerns.

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?

High-quality environmental assessments remain crucial and compensatory mechanisms should be in place if required in some cases.

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

Yes. This could lead to more medium-sized onshore wind projects through local planning processes, reduced costs and timelines for these projects and potentially faster deployment of onshore wind capacity. However, EHDC is concerned that the potential size and height of wind turbines remains a key planning consideration.

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?

This could lead to more medium-sized solar projects through local planning processes, reduced costs and timelines for these projects and potentially faster deployment of solar capacity.

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

No, see answers to questions 75 and 76 above.

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

National planning policy could do more to address climate change mitigation through the removal and reversal of the Written Ministerial Statement of 13th December 2023 on local energy efficiency standards. This was a hugely disappointing statement that was issued under the previous Conservative government and is considered by EHDC and other local planning authorities to represent a significant misstep in efforts to reduce emissions from new development. It essentially removed the ability of planning authorities to reduce the operational emissions from new development that are unregulated by building regulations.

In order to meet the statutory target for net zero emissions by 2050, it will be important to consider operational emissions that are currently unregulated. The previous Government appeared to rely on future decarbonisation of the electricity grid, alongside the electrification of a building's energy demands – and/or other energy supply solutions that would form part of an overall decarbonised system – to reduce to a net-zero level the remaining operational emissions. However, decarbonisation of the UK's power system will not happen without substantial changes in the pace of delivery for new infrastructure and suitable policy approaches. The proposed changes to the NPPF to support renewable energy development may go some way towards this, but according to the UK Climate Change Committee (March 2023) there remain significant risks for decarbonisation of the grid that lie outside of the planning system. In this context, it is remiss of the new Government to remain committed to metrics that ignore a large proportion of a building's operational emissions.

EHDC is aware of objections to the use of policy approaches that take account of unregulated emissions – for example, the setting of energy performance standards that are based on the metric of Energy Use Intensity (EUI), rather than through SAP calculations of the building standards – to the effect that public authorities have 'little or no control over unregulated uses of energy'. These arguments cloud the issue: it is inappropriate to conflate unusual (atypical) energy use with typical energy use. It is not for designers and housebuilders to "control" an occupant's use of energy, but to design their products in recognition of what can reasonably be expected by occupants. This can and should include estimating the energy that could be generated from on-site renewables to cover all operational energy use as could be anticipated using national statistics, through setting an appropriate EUI-based requirement. As noted by Ricardo AEA Ltd in East Hampshire District Council's evidence base for net zero development: *'Assessing and reporting on [unregulated] energy use is also critical to plan for appropriate forms of power infrastructure, renewable energy technologies, and energy storage systems that would meet future energy demands without generating further emissions.'* Therefore, one specific and deliverable way of addressing climate change mitigation would be to enable local planning authorities to follow industry 'best practice' and remove barriers to pursuing policy approaches that rely on EUI metrics, as many local planning authorities were intending prior to the 13th December 2023.

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?

EHDC is promoting a 'whole lifecycle' approach to assessing the greenhouse gas emissions associated with new development through its emerging local plan (see Policy CLIM3 of EHDC's Draft Local Plan 2024). This is because a development's contribution to greenhouse gas emissions includes other sources aside from its everyday use by occupants and visitors. The East Hampshire Net Zero Study has clearly established that other, so-called embodied emissions will become an increasingly important category of emissions to mitigate.

EHDC understands that there are nationally recognised approaches to carbon assessments, such as the RICS Whole Life Carbon Assessment procedure, which could be applied to development proposals to recognise more sources of emissions. Through EHDC's Draft Local Plan consultation, some developers raised objections over the impacts of a whole lifecycle assessment on development viability and the delivery of new housing. However, EHDC's expert consultants (Ricardo AEA Ltd) have advised that the necessary cost implications could be limited to engaging additional expert consultants to assess opportunities for lowering embodied carbon emissions. Efforts to reduce these emissions could then be integrated throughout the development process. There need not be significant additional costs from choosing materials with lower embodied emissions (e.g. lower-emission cement) or better construction practices. Whilst it is recognised that this is an emerging area of study – and that there are many uncertainties relating to the emissions associated with the transport of materials to a development site, maintenance and end-of-life reuse/disposal etc. – some of these uncertainties should diminish over time as demand for this knowledge, and for related improvements in emission reductions, increases.

EHDC considers that it is very important to start the process of generally seeking reductions in a quantified sense, but without stipulating specific targets, unless and until the knowledge base has been established so that it is clear whether any quantified target would be feasible. An overall assessment of carbon emissions is multifaceted, so it is likely that our understanding of emissions and the potential to achieve meaningful and affordable reductions will improve for different influences at different times. This will be an area of further study for EHDC as the Council moves forwards with preparing a Regulation 19 Local Plan.

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

Changes to improve effectiveness could include Local Plans allocating land for flood storage areas to mitigate against flooding, clearer guidance on climate change allowances and there is potential for an increased emphasis on climate resilience in development proposals, via changes to FRA requirements.

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

Yes. The reinvigoration of strategic planning in England (as proposed within the consultation material) should be used to facilitate cross-boundary efforts between local planning authorities to mitigate emissions and/or adapt built environments to a warmer, wetter climate. For example, the setting up of off-setting schemes to address hard-to-abate emissions is both time consuming and resource intensive for individual local planning authorities to administer, whilst effective solutions to flood risks may be best suited to areas beyond an individual authority's planning area. Spatial planning at a sub-regional or regional scale could be used to coordinate joint efforts to tackle the climate emergency, where this would achieve results that can't easily be achieved by individual authorities, or where plan-making boundaries for local planning authorities don't currently suit the most appropriate interventions.

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

Removal could simplify decision-making processes for developments on agricultural land. It could potentially increase opportunities for renewable energy projects on such land, where appropriate provided safeguards for high-quality agricultural land remain.

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

EHDC encourages the inclusion of community gardens for food growing. However, we would not want to see the loss of high-quality agricultural land.

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?

EHDC supports bringing more water infrastructure projects into the NSIP regime, such as water recycling infrastructure. It should speed up decisions and water infrastructure provisions are generally affecting cross boundary areas so NSIP would be a more robust regime for such applications.

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?

Currently setting water efficiency targets is through Building Regulations. Mechanisms for adopting more rigid water efficiency targets particularly in areas of water stress should be explored and supported.

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

Water Infrastructure provisions should apply to wastewater infrastructure as well as water supply infrastructure.

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

There is a risk with the proposed changes to the NPPF as a whole that more development will happen directly through planning applications than through plan making. This is because the housing numbers proposed as mandatory are so high and as such few authorities will be able to demonstrate 5YS. Even Green Belt authorities will be facing planning by appeal. As such, by default Local Plans could have less relevance and influence, trailing behind the decision-making process. If the Government, then wants to intervene to speed those plans up – it may find itself intervening in many plans. Further guidance on what this would mean would be welcome.

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

No comment.

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

Yes. The current fee does not provide for cost recovery and the increased fee of £528 would be a relatively small proportion of the cost for most householder developments. It would be also sensible to ensure that applications fees automatically rise in line with inflation (index linked).

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.

N/a

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

N/a

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

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

N/a

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.

Yes

Prior Approval Applications: The fee should be the same as an application for planning permission. There are number of detailed matters that require consideration and consultation with relevant technical experts can be required, depending on the application type. There is also the additional requirement to assess whether the proposal accords with relevant legislation

Condition Discharge Applications: In most circumstances, the current fees only cover a fraction of the costs of assessing applications. This is a particular issue for major applications where an applicant can apply for discharge of multiple conditions for a fee of £145. For these applications, the fee does not even cover the Council's administration costs. There are considerable costs associated with the review of details by planning officers and technical experts. As a minimum, the fee should be per condition, rather than a flat rate irrespective of the number of conditions.

Invalid Applications: Invalid applications, together with the application fee, are frequently returned to applicants where the necessary information to make the application valid has not been provided. A fee/legal provision is required to cover a Council's costs for administration of this process.

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.

Yes.

Applications for listed building consent and tree works should require an application fee. This is necessary to address the funding shortfall caused by application fees not covering costs.

There are costs associated with the publicity requirements and detailed assessments required for listed building consent applications. Like householder planning

applications, it is likely that the required fee would be a relatively small proportion of the overall cost of works.

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below.

Yes. The option should be available to councils to set their own fees to enable full cost recovery.

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

Local Variation.

Please give your reasons in the text box below.

Deviation from the nationally set default fee should be an option where a council can demonstrate that the national fee does not provide for cost delivery.

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

Yes

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?

The plan-making system relies heavily on an up-to-date evidence base that has significant costs for councils. It would be appropriate to investigate further whether planning application fees for major developments should be increased to cover the costs of plan-making. Frequently, these development benefit from the evidence base and master planning work undertaken by councils.

It might be unequitable for planning fees to reflect the costs of planning enforcement. This would place an additional financial burden on customers who follow the correct process by applying for permission when required.

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?

No comment.

Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?

Yes.

This is essential so that councils are adequately resourced to contribute to the development consent process and to ensure that all impacts upon an area and its communities are fully considered.

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.

It would be good for fees to be set nationally, based on the previous experience of councils that have been involved in the development consent process. The difficulty with planning performance agreement is that they require local planning authorities to have a full understanding of the resource and technical expertise required. This information will not always be available to councils. Furthermore, planning performance agreements are not compulsory, can be time consuming to prepare and fees will be subject to negotiation with an applicant.

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

None, local authorities need to be able to fully recover costs to participate effectively.

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.

No comment.

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

No comment.

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

EHDC notes the reliance on a quantity of 200 homes in para 226a and 227. The figure isn't of significant relevance to EHDC as the difference between the current housing number and proposed far exceeds that, however, we would note that 200 is an arbitrary figure with no reason given for its use.

EHDC has diligently carried out four Reg18 consultations, since 2019. Delays have occurred, mainly due to issues outside of our control such as Covid and changes to Government policy. We have taken a pragmatic approach, consulting early this year on a Draft Local Plan which met the proposed housing numbers. The changes being proposed in this consultation in relation to housing numbers will further delay our Local Plan as we need to revisit housing numbers, spatial strategy and sites. There is even the possibility of needing to do further Reg18 consultation – to be determined. As such, if the aim of these changes and transitional arrangements is to push Local Plans ahead more quickly, it is unlikely this will be the overall result. Instead, it will likely result in more speculative planning applications, planning by appeal and development in less sustainable locations than would be the case if planned through Local Plans. The planning system in the UK is supposed to be planned, and these proposals undermine that principle.

The consultation material suggests that Government funding would be made available to planning authorities at Regulation 19 stage where unforeseen additional work would be required to make swift progress with plan-making, including the re-opening of consultation with communities. EHDC considers that there will be cases where such assistance would be helpful for authorities that are not yet at the Regulation 19 stage due to previous delays beyond a planning authority's control. The offer of direct funding should be widened so that authorities such as EHDC can also benefit, rather than being further delayed by the proposed, significant changes to housing requirements.

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

This question repeats Question 103, which has been answered.

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

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

The Government needs to look carefully at Planning Policy for Traveller sites and ensure there is a fair and consistent approach to housing for Travellers and housing

for the settled community. PPTS has not been thoroughly reviewed since its publication in 2012, having only been subject to minor amends in 2015 and 2023.

An Equalities Impact Assessment should be carried out for the proposed changes to policy.