

## Appendix 1

### Proposed reforms to the National Planning Policy Framework and other changes to the planning system – Borough Council of King's Lynn and West Norfolk (BCKLWN) consultation response

[Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

Consultation Question	BCKLWN response
<b>Chapter 3 – Planning for the homes we need</b>	
<b>Question 1</b> Do you agree that we should reverse the December 2023 changes made to paragraph 61?	BCKLWN agrees that it is important that full housing needs are met either within a local planning area itself or in neighbouring authorities, via strategic planning or duty to cooperate. Primarily as this is where the need is arising.
<b>Question 2</b> 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?	<p>BCKLWN agrees that it is important that full housing needs are met using a standard national methodology. This should ensure a standard approach across the country and should ensure that ultimately that the housing is planned for and built out where it is needed.</p> <p>OAN led to long and costly procedures to agree what the housing figure for an LPA area should be.</p> <p>This change makes it clear what is expected. Although we do have some significant concerns regarding the methodology being sought and its outputs which are considered within this response.</p>
<b>Question 3</b> Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?	<p>BCKLWN agrees that the current urban uplift approach should be removed. As this created a major challenge for these areas to plan for and deliver a LHN that could be considered unattainable.</p> <p>It is also the case that other areas outside of those identified through this mechanism could be key to ensuring housing and growth is distributed across the country to other areas where it is either needed or has the potential to have a positive impact, both a local, regional, and national scale, such as Cambridge and the surrounding area(s).</p> <p>However, the proposed significant reduction in housing numbers in many urban areas compared to the current methodology should be considered</p>

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	carefully.
<p><b>Question 4</b> Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?</p>	<p>BCKLWN agrees with this proposed change. It is recognised that in some areas higher densities could be used to make the most efficient use of existing land and lead to a sustainable form of development, particularly in urban areas or those close to key transportation hubs. Local Plan and Design Codes should set this out either through specific site allocations or more general policies for windfall development in such areas, or areas marked for change.</p>
<p><b>Question 5</b> 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?</p>	<p>The BCKLWN agrees and considers that Design Codes would best work at areas which have been identified for change rather than a blanket whole area approach. This approach could lead to greater sustainable outcomes than a whole area design code, for example our area is incredibly diverse with rural, urban, coastal, and fenland areas where a uniform approach is considered not to be appropriate.</p>
<p><b>Question 6</b> Do you agree that the presumption in favour of sustainable development should be amended as proposed?</p>	<p>The BCKLWN agrees with this approach. It adds clarity to an area which has been explored at some length through planning decisions and subsequent appeals. However, it should set with more clarity the balance between achieving housing and that any housing should well designed. This should be in addition to the protected areas/matters listed in the relevant footnote.</p> <p>Having experienced a short period in which the authority was unable to demonstrate a 5-year housing land supply, this led a to a number of developments which are arguably identifiable today as having had come forward during that period as the emphasis was on supply rather than the overall quality of the development.</p>
<p><b>Question 7</b> 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?</p>	<p>The BCKLWN strongly disagrees with this proposal. If the planning system is to be truly plan-led, then the approach to demonstrating a 5-year housing land supply position at the local plan examination and protection offered whilst the next plan is brought forward should be retained. There needs to be a real incentive to authorities to get local plans adopted (so that the right sites are delivered with the necessary associated infrastructure) which the current NPPF provides. By not doing so would undermine the planning system and would most</p>

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	<p>likely risk the delivery of larger strategic sites which have been planned for often with the required supporting infrastructure, which would be at risk if it were a more haphazard less planned system.</p> <p>The BCKLWN has progressed its Local Plan and we currently anticipate that we should be in a position to adopt towards the end of this financial year. This has been a costly process, and the suggested approach would undermine this, and not provide the certainty that the plan-led system and confidence in planning should provide to all. A significant proportion of the examination has been dedicated to housing supply and the demonstration of a positive and healthy 5-year housing land supply position over the plan period.</p> <p>The proposed approach threatens the plan making system and plan-led approach as many developers will simply not engage with this and whilst it may in the short-term lead to an uptick in housing numbers this would likely not provide the required supporting infrastructure. BCKLWN has significant concerns that the proposed approach could signal the return to “planning by appeal”.</p> <p>BCKLWN therefore strongly disagrees with the proposal requiring all areas to have a 5-year land supply at all times. This should not apply where the 5-year land supply has been “saved” through the examination into a recently adopted local plan.</p>
<p><b>Question 8</b> Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?</p>	<p>Please see our response to Question 7. The BCKLWN strongly disagrees with the proposal requiring all areas to have a 5-year land supply at all times. This should not apply where the 5-year land supply has been “saved” through the examination into a recently adopted local plan.</p> <p>It has happened in the past where an LPA has been through this process and then challenged almost at the same time and both processes have come to different conclusions. Creating a Local Plan in an environment with no 5-Year Housing Land supply position because of such a situation is counterproductive to the plan-led system.</p>
<p><b>Question 9:</b> Do you agree that all local planning authorities should be required to add a 5%</p>	<p>BCKLWN considers that the approach has been complicated in recent years with the addition of various different buffers to be applied in a variety of different situations. For clarity the BCKLWN</p>

<b>Consultation Question</b>	<b>BCKLWN response</b>
buffer to their 5-year housing land supply calculations?	<p>considers that if there has to be one, that there should simply be one buffer, which is 5%, when the requirement to demonstrate a 5-year housing land supply position is in place.</p> <p>For clarity an area with a recently adopted local plan which has examined housing supply should be protected from this. It is reiterated that the proposed NPPF revisions should retain practical incentives to local authorities to seeing their local plans adopted and to be kept up to date on a regular basis.</p>
<p><b>Question 10:</b> If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?</p>	Yes, please see the answer to Question 9.
<p><b>Question 11:</b> Do you agree with the removal of policy on Annual Position Statements?</p>	Yes. This option has seen little uptake due to its being an onerous process, and the relationship with the HDT and results could cause issues. The requirement for a higher percentage buffer made little sense and additional work involved to go through this process for all involved would be challenging. Again, we would reiterate that a similar approach for 'protection' should be afforded to those LPAs which have had this tested and agreed through a local plan examination.
<p><b>Question 12:</b> Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?</p>	BCKLWN agrees with this proposal. There are clearly some matters which are of a strategic nature and can only really be considered sustainably at this level.
<p><b>Question 13:</b> Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?</p>	The BCKLWN believes this should be amended to take account of longer-term strategic planning where the current approach set out by the test of 'soundness' makes this very challenging to provide the detailed evidence. This would be and is best left to local plans to provide such detail, although longer term large scale strategic development based on recent experience needs to be considered carefully.
<p><b>Question 14:</b> Do you have any other suggestions relating to the proposals in this chapter?</p>	<p>Given the vital role that planning can play in economic, housing and infrastructure development a consideration of this at both the national scale and regional (probably best based on functional economic areas) should be fully considered.</p> <p>Within Norfolk, housing market and travel to work</p>

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	<p>evidence show that King's Lynn and West Norfolk in particular forms a distinctly different housing and economic area to Greater Norwich and has different needs. County wide, the Norfolk Strategic Planning Framework (NSPF) has provided the required non-statutory coordination to ensure strategic matters have been addressed for almost a decade so that the duty to cooperate has been met. The NSPF consists of several agreements which focus on planning for infrastructure needs and has included the LPAs agreeing to meet their housing needs within their own areas.</p> <p>There are some issues and challenges that are best considered at a wider strategic (regional or sub-regional) scale. It is considered that a regional and national spatial strategy could provide a high-level framework addressing national priorities around climate change, green energy, the economy, and the spatial distribution of growth. It could cover key issues such as the green belt, new towns, the implications of national infrastructure for development, and the management of natural resources such as water.</p>
<p><b>Chapter 4 – A new Standard Method for assessing housing needs</b></p>	
<p><b>Question 15:</b> 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?</p>	<p>The current approach relies on household projections which are subject to regular change, which could making long-term planning difficult. Use of the 2014 version as a basis is challenging as we are now some time on from these. The proposed approach being two steps rather than four would be simpler. Whilst it may help to achieve the political housing ambitions of this Government it would have been helpful to provide a range of options, potentially including an approach using the latest household projections for consideration as part of the consultation package.</p> <p>The proposed stock-based approach should be refined to amend the outcomes for number of areas including KLWN as a 'doubling' of the number inevitably presents significant challenges many of which it is difficult to see can be overcome and carefully consideration of the outputs on individual areas needs to take place (please see response to question 19). To be meaningful, housing targets need to be achievable. The BCKLWN has concerns that for many local authorities, the figures arising</p>

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	from the revised standard method are far in excess of what was achieved during the 2000s economic/housing boom.
<p><b>Question 16:</b> 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?</p>	<p>Yes, this is considered to be a meaningful way of comparing housing affordability in different areas. Linking it to the last three years' figures allows changes over time to be reflected. However, this approach should be refined (please see response to question 19).</p>
<p><b>Question 17:</b> Do you agree that affordability is given an appropriate weighting within the proposed standard method?</p>	<p>Yes, as the proposed method includes a multiplier which will increase the importance of housing affordability in assessing needs. This should direct more homes to where they are most needed. However, we consider this approach should be refined (please see response to question 19).</p>
<p><b>Question 18:</b> 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?</p>	<p>In principle, it could be helpful to include reference to rental affordability within the standard method. However, this should be weighed up against increasing the complexity of the methodology and the concerns we have highlighted in response to question 19.</p>
<p><b>Question 19:</b> Do you have any additional comments on the proposed method for assessing housing needs?</p>	<p>Whilst the high-level positive approach through planning to tackle the housing crisis is broadly supported, the impacts on rural areas such as KLWN, needs to be carefully considered by in effect 'doubling' the LHN from 554 new homes per year to 1,042, this creates an unrealistic situation. In pure numerical terms this would require over a 20 year plan period twice the size of our second largest town or in excess of 1 of our largest strategic growth areas every 5 years, to be accommodated within the Borough. This not only poses the question of where, but what is required to support this (including most likely Government support), and can the housing industry actually deliver growth of this magnitude. This is doubtful as new LHN output is over 3 times the amount that has been delivered in some recent financial years and this includes completions from sites the Borough Council has built-out itself where the market has failed. There are also significant local constraints for which a high</p>

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	<p>bar is set for adjusting numbers based on this (for example see what is required due to flood risk).</p> <p><b>Key issues for the BCKLWN include:</b></p> <ul style="list-style-type: none"> <li>• Resourcing the Planning Department: This has been challenging in terms of attracting qualified experienced planners in the Planning Policy, Development Management and specialist teams and this is largely set-up to deal with current growth numbers. Government will be aware of funding to LPAs to deal with backlog and other areas of importance for example design code requirements - something the LPA will be required to do as it is yet to commence an area wide design code (clarity on this would be welcomed in terms of the likely future requirement, aware of the LURA 2023 requirements but also cognisant that this Government has a different view).</li> <li>• Climate Change &amp; Environment: KLWN is at the coast and over a third of the Borough is within the highest flood risk zones. It would be incredibly helpful if the NPPF could set out the approach to meeting the new LHN and broadly higher numbers for areas across the country who will be in a similar position (either at the coast and/or with settlements along rivers) as following the Sequential Test and Exception Test to the letter will lead to a conflict in terms of delivering housing and seeking agreement with the EA and Government. In addition, a significant area of the Borough lies within designated and protected areas including the National Landscape area. This limits the land available for housing growth across the Borough. It is also difficult to suggest in rural areas how mass new housing development will result in sustainable and climate change positive approaches given the lack of sustainable transport and active travel opportunities within rural areas.</li> <li>• Existing Infrastructure Capacity – new development will most likely require significant new or enhanced infrastructure to accompany and support it and most existing infrastructure is considered to be close to or at capacity currently.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Build Out and Market Absorption – this area tends not to be one major house builders focus on. Yet it is the LPA who are benchmarked against this. It should be noted that despite this the BCKLWN has recently stepped in and is delivering major housing itself and elsewhere working collaboratively to ensure housing comes forward with the required supporting infrastructure.</li> <li>• Government Support &amp; Finances – BCKLWN &amp; NCC are working collaboratively on this, in terms of the West Winch Housing Growth Area (the most significant development within the Borough) and delivery of the West Winch Housing Access Road, and would welcome further opportunities in this space.</li> <li>• Neighbourhood Plans – the existing consultation and previous ones have been relatively light on these matters. Some clarity would be welcomed in future consultation as to their role especially if National Development Management Policies (NDMPs') are forthcoming. For example, will a NP take a more focused approach, or will there be wider restrictions on the range of themes and topics that a Neighbourhood Plan may cover?</li> </ul> <p><b>Suggested changes to outcomes:</b> It is suggested that the proposed housing needs methodology should be amended to focus more growth on larger towns and cities and their surrounding areas, whilst reducing extreme increases, particularly in those areas experiencing limited in migration, or which are predominantly rural. Given the risk of flooding both coastal and fluvial to many local planning authorities areas a clear approach to this at scale within the NPPF would be welcomed. In the long term a national spatial strategy should be developed further and used to focus growth in the environmentally and economically most suitable areas of the country. This would provide a highly important framework for the future development of lower tier spatial strategies which are currently</p>



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	envisaged and below this local plans.
<b>Chapter 5 – Brownfield, grey belt, and the Green Belt</b>	
<p><b>Question 20:</b> Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?</p>	<p>BCKLWN agrees that the default answer to brownfield development should normally be yes and development of this should broadly be a positive. However, it should be recognised that brownfield development alone will not be enough to meet the nation’s housing needs. It would be helpful particular in rural areas if the location was expanded on currently the wording states ‘in settlements’ what about on the edge which could also be a positive, and also on the flip side a BF site in the middle nowhere may not constitute the most sustainable location.</p>
<p><b>Question 21:</b> 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?</p>	<p>Whilst there is no Green Belt in KLWN. We are supportive of these changes to enable reviews of land within the Green Belt including brownfield land and newly introduced concept of “Grey Belt”. This should enable much needed housing to come forward in areas where the need is the largest and within suitable distances to urban centres and transport hubs. It also recognises the need for protection in line with the original purpose of the Green Belt.</p> <p>Given the above the BCKLWN has not provided responses for questions 22 to 46 which relate chiefly to Green Belt.</p>
<b>Chapter 6 – Delivering affordable, well-designed homes and places</b>	
<p><b>Question 47:</b> 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?</p>	<p>Yes, we agree with the principle. However, consideration needs to be given to the impacts on viability and deliverability, particularly in lower value areas and the practicalities given that there are 2 rent regimes (affordable and social rent). It’s worth noting that the allocation of properties under these 2 rent regimes are broadly the same.</p> <p>Local Authorities therefore need the flexibility to balance the need for social rent against other factors such as viability and therefore achieving any affordable housing on market sites.</p>
<p><b>Question 48:</b> Do you agree with removing the requirement to deliver 10% of housing on major</p>	<p>Yes, this enables LAs to set requirements based on local needs.</p>

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sites as affordable home ownership?	
<p><b>Question 49:</b> Do you agree with removing the minimum 25% First Homes requirement?</p>	<p>Yes, this enables LAs to set requirements based on local needs (Shared ownership has always met our need for low-cost home ownership in a more effective way).</p>
<p><b>Question 50:</b> Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?</p>	<p>Yes. However, it should be noted that the draft NPPF includes definitions for both First Homes and Discounted Market Sales Housing. We would question the need for the definition of Discounted Market Sales Housing, given that First Homes is effectively a form of Discount Market Sale which has been more clearly defined with guidance already contained within PPG.</p>
<p><b>Question 51:</b> Do you agree with introducing a policy to promote developments that have a mix of tenures and types?</p>	<p>Yes. However, we have found that some government funded capital programmes to support the delivery of affordable housing and housing for specific groups do not facilitate this objective. For example, schemes which could be delivered as mixed tenure but require grant funding as part of the delivery are prohibited by grant funding requirements. The impact of this is often single tenure schemes (either affordable or market with only the minimum policy requirement affordable housing).</p>
<p><b>Question 52:</b> What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?</p>	<p>Please refer to our response to Question 51. This objective is not currently prevented by existing policy but rather the requirements of grant funding programmes.</p>
<p><b>Question 53:</b> 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?</p>	<p>A single nationwide maximum site size would not be appropriate. This should be dependent on the local context and need.</p>
<p><b>Question 54:</b> What measures should we consider to better support and increase rural affordable housing?</p>	<p>Additional guidance on rural exception sites would provide greater certainty to providers, local authorities, and local communities. One of the main challenges currently is a lack of guidance on how local housing need should be determined. Local communities in particular seek a balance between need and scale. Sites are more likely to be delivered where this balance can be achieved with the support of the local community.</p>

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<p><b>Question 55:</b> Do you agree with the changes proposed to paragraph 63 of the existing NPPF?</p>	<p>Yes, we support the principle. However, more detail of the expectations around the type of housing is suggested for this to be effective (paragraph 11 refers to “this type of housing” – what is meant by this and what does it encompass – from children’s homes to foster homes).</p>
<p><b>Question 56:</b> Do you agree with these changes?</p>	<p>Yes.</p>
<p><b>Question 57:</b> 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?</p>	<p>We do not believe it should be amended. The current definition in the Glossary is clear and also provides the necessary safeguards to ensure that the housing is affordable and genuinely meets need. Additionally, it is important to recognise that affordable housing is not just about the level of rent, but also the standard of accommodation, management and security of tenure and accountability that comes with housing provided by Registered Providers and meets the definition.</p>
<p><b>Question 58:</b> 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?</p>	<p>The current and emerging Local Plan for KLWN includes a range of small and medium scale housing land allocations for the rural areas. However, the overall approach should be left to local authorities to determine where development should take place (as guardians of their locality), rather than a national direction that often does not take account of particular local issues. A target should be avoided as this would not necessarily lead to the most sustainable sites being allocated through the plan making system.</p> <p>It should be noted that some local plans may seek to create opportunities for small sites in other ways such as infill policies or policies that allow development on the edge of development boundaries.</p> <p>For consistency a definition of ‘small sites’ should be provided or tied to existing planning definitions of major and minor development.</p>
<p><b>Question 59:</b> Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and</p>	<p>Yes. The BCKLWN agrees with removing references to ‘beauty’ and ‘beautiful’. There needs to be a strong focus on design quality, but the concept of ‘beauty’ is a highly subjective one. There is no definition, and the current approach has led to confusion, and it is difficult to point to any real-world outcomes because of its introduction. The concept</p>

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to amend paragraph 138 of the existing Framework?	of 'well-designed' is better understood (tried and tested through the planning system) and is capable of responding to context and improvements.  We agree that the National Model Design Code along with any local design codes should be the primary means of assessing and improving the design of development.
<b>Question 60:</b> Do you agree with proposed changes to policy for upwards extensions?	The approach to increasing densities and upward development in urban areas is supported as this can lead to sustainable development in these areas and those within close proximity to transport hubs, services and facilities for daily life. It is felt that references to one specific type of development to achieve this is rather unhelpful, is not consistent with rest of the NPPF, and the matter could be best considered through local design codes or guides.
<b>Question 61:</b> Do you have any other suggestions relating to the proposals in this chapter?	N/A
<b>Chapter 7 – Building infrastructure to grow the economy</b>	
<b>Question 62:</b> Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?	These changes are welcomed. Clearly setting out areas of national importance beyond those currently name checked is a positive approach.
<b>Question 63:</b> Are there other sectors you think need particular support via these changes? What are they and why?	No, paragraph 87c which includes support for other growth sectors which are of local, regional, and national importance which have not been specifically named is welcomed. This both allows for support for local economic strength and for flexibility as economic priorities change over time.
<b>Question 64:</b> 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?	Yes, this could be a suitable approach for large scale schemes of national significance.
<b>Question 65:</b> If the direction power is	Please see Question 64 answer. If data centres, gigafactories, and/or laboratories as types of

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extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?	business and commercial development are of such a scale that they could be considered NSIP, these should be included as such. A scale threshold should be set so it is clear which proposals are considered through the TCPA and NSIP processes.
<p><b>Question 66:</b> Do you have any other suggestions relating to the proposals in this chapter?</p>	<p>References to the rural economy (paragraphs 88-89) remain unaltered (except for deletion of the reference to beauty). The NPPF, in its current form, provides appropriate overarching direction to managing economic growth in rural areas.</p> <p>However, there also needs to be recognition that many significant businesses and operations (including logistics and warehousing) are situated in rural areas, for historic reasons or due to their proximity to the strategic road and/ or rail networks.</p> <p>On the wider matter of growing the economy, it is noted that section 7 of the current NPPF (Ensuring the vitality of town centres) is not proposed for any changes. Concerns remain that updates to the NPPF since the introduction of the September 2020 updates to the Use Classes Order (in particular, the introduction of the new Class E uses) have failed to address the disconnect between this legislation and national policy, with reference to main town centre uses and the application of the sequential test.</p> <p>There remains an opportunity to rectify this situation, by expressly defining the types of uses that now constitute “main town centre uses”, with reference to Use Class E.</p>
<b>Chapter 8 – Delivering community needs</b>	
<p><b>Question 67:</b> Do you agree with the changes proposed to paragraph 100 of the existing NPPF?</p>	The BCKLWN agrees with the addition of greater priority to specific key public service infrastructure.
<p><b>Question 68:</b> Do you agree with the changes proposed to paragraph 99 of the existing NPPF?</p>	The BCKLWN is supportive of the recognition of different educational tiers within the NPPF.
<p><b>Question 69:</b> Do you agree with the changes proposed to</p>	The references to a “vision led approach” are welcomed but are not considered sufficiently clear as proposed and expansion on this would be

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paragraphs 114 and 115 of the existing NPPF?	welcomed. This should be a better approach than “predict and provide” for transport planning for new development to reduce the need to travel and to promote sustainable travel modes. It is also recognised that given the increasing housing need figures and the Borough of KLWN being predominantly rural they could be some discord here in achieving sustainable modes of transport and active travel opportunities.
<p><b>Question 70:</b> How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?</p>	<p>An integrated approach to health which ties into Building for a Healthy Life and Health Impact Assessment if appropriate would be welcomed. This could be through sustainable design policies and/or design codes. This could be an area for NDMPs to explore.</p> <p>We are not convinced that planning is the right tool to tackle obesity, it can play a role but essentially this is limited to land use in terms of establishments and what they sell. Policies elsewhere in the country have been used with moderate success to control opening hours, concentration, and location of hot food take-away establishments but this doesn't apply to fast food restaurants with take-aways. Perhaps the role of planning should be more rounded here and consider impact on lifestyles as above in terms of design of development which enables active travel and provides open space for recreation and play.</p>
<p><b>Question 71:</b> Do you have any other suggestions relating to the proposals in this chapter?</p>	No
<b>Chapter 9 – Supporting green energy and the environment</b>	
<p><b>Question 72:</b> Do you agree that large onshore wind projects should be reintegrated into the s NSIP regime?</p>	The BCKLWN considers that major onshore wind projects, given that these are part of renewable energy generation infrastructure, ought to be integrated into the NSIP regime accordingly.
<p><b>Question 73:</b> Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?</p>	In its current form, the NPPF gives general support to the development of renewable/ low carbon energy (except onshore wind). The removal of the de facto ban on onshore wind is noted. We would also support the proposed amendments here which would enable LPAs to both allocate land for renewable and low carbon energy generation and to give significant weight to the benefits associated

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	with renewable and low carbon energy generation through the determination of planning applications.
<p><b>Question 74:</b> 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?</p>	<p>Important habitats should be protected (and, where possible enhanced) in any event, under current legislation; e.g. 2021 Environment Act (10% Biodiversity Net Gain).</p> <p>Specific habitats may offer particular benefits in terms of managing climate change (ecosystem services). Therefore, recognition of this within the NPPF should be supported. It should be recognised that particular habitats and natural features can provide unique opportunities for delivering renewable/ low carbon energy. A further example of this may be riparian hydro-electric generation, as part of an overall strategy for renewable energy delivery.</p> <p>The impact on key carbon sequestration habitats and Grade 1 agricultural land needs to be balanced and carefully considered.</p>
<p><b>Question 75:</b> 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?</p>	<p>Rightly given the focus on climate change mitigation and adaptation, this proposal is supported as it should speed up the consenting regime for all sizes of development. Setting the same threshold for onshore wind seems a sensible approach although with solar farms there was a number that came in at 49.9MW to avoid the NSIP regime.</p>
<p><b>Question 76:</b> 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?</p>	<p>Similar to the answer to Question 76 this is supported as it has the potential to speed up delivery of solar farm developments.</p>
<p><b>Question 77:</b> If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?</p>	<p>N/A</p>
<p><b>Question 78:</b> In what specific, deliverable ways could national</p>	<p>The swift implementation of the Future Homes Standards and more demanding water efficient building regulations would be most welcomed.</p>

<b>Consultation Question</b>	<b>BCKLWN response</b>
<p>planning policy do more to address climate change mitigation and adaptation?</p>	<p>These we provide clarity and ensure a level playing field.</p> <p>It may also be beneficial for the NPPF to acknowledge that in areas of water scarcity/neutrality that more demanding standards are capable of being set locally or setting out what these are in such areas.</p> <p>Greater acknowledgement could be given to the role of riparian hydro-electric generation projects as an important potential source for renewable energy.</p>
<p><b>Question 79:</b> 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?</p>	<p>Recent legislative changes (e.g. 2021 Environment Act) require new areas of technical expertise which are often lacking within local authorities. It is going to take a significant length of time for local authorities to secure the necessary technical expertise (be it in-house or external) to meet the demands of legislation and national policy.</p> <p>This needs careful consideration and a parallel to draw would be the approach taken for BNG which is overly complicated and was rolled out in a rather embryonic state.</p> <p>A balance also needs to be struck with a national approach which encourages uptake of this and new technologies whilst providing certainty to the various sectors involved.</p>
<p><b>Question 80:</b> Are any changes needed to policy for managing flood risk to improve its effectiveness?</p>	<p>The sequential and exceptions tests have been long understood as the principal tools for managing development in areas of known flood risk. The direction provided by the current NPPF (supported by the Planning Practice Guidance) is considered sufficiently clear and robust, for the purposes of both plan-making (supported by the requirement to prepare a Strategic Flood Risk Assessment) and development management. Although the balance between housing need and the risk may need some further thought given this Government's views on delivering housing.</p> <p>This is a highly technical aspect of planning and the risks to life and property are great if the wrong approach is taken.</p> <p>Ideally this could be simplified by the EA providing national flood risk maps which go further than they currently do and can be used as Strategic Flood</p>



Consultation Question	BCKLWN response
	<p>Risk Assessment (SFRA) are today, thus removing the need at great expense (often the costliest and in some cases matches the total cost of all the evidence base combined) at the local level, especially given the EA are required to effectively sign SFRA's off. This would also require the EA to map both elements of Flood Zone 3. It would also ensure a consistent approach across the country and in a consistent format that is clear and easily accessible by planners, agents, and the public etc.</p> <p>Given that we are clearly an island with many major settlements along rivers and at the coast this is a national issue which should be given further consideration. In addition, the impact of coastal change needs to be highlighted further, certain areas along the coast including those currently occupied by major settlements within a relatively short period could look different or disappear. There is currently little within the NPPF on this.</p>
<p><b>Question 81:</b> Do you have any other comments on actions that can be taken through planning to address climate change?</p>	<p>In addition to answers above further detail on approaches to the urban heat island effect and in particular at night where urban areas don't cool down. Some LPAs such as in London and Bristol have looked at mapping areas such areas and have considered policy approaches for them.</p> <p>Also, how Natural England's green infrastructure framework could be better integrated should be considered. For example, trees in urban areas have the potential to not only assist with water management but also shading and cooling to great effect.</p>
<p><b>Question 82:</b> Do you agree with removal of this text from the footnote?</p>	<p>Yes. As it provides no certainty for the decision maker as to how to assess and weigh the availability of agricultural land in planning decisions.</p>
<p><b>Question 83:</b> Are there other ways in which we can ensure that development supports and does not compromise food production?</p>	<p>Consideration of modern methods of food production, such as vertical farming, hydroponics, and urban farming.</p>
<p><b>Question 84:</b> Do you agree that we should improve the current water infrastructure</p>	<p>The critical importance of water infrastructure has long been recognised. Changes to necessary to bolster this are supported. This is especially relevant to our area in the east of England, where</p>

<b>Consultation Question</b>	<b>BCKLWN response</b>
provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?	scarcity has been holding back development around Cambridge.
<b>Question 85:</b> 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?	Potential sources of water supply (e.g. riparian or groundwater extraction) could be recognised in the context of future water infrastructure projects.
<b>Question 86:</b> Do you have any other suggestions relating to the proposals in this chapter?	
<b>Chapter 10 – Changes to local plan intervention criteria</b>	
<b>Question 87:</b> Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?	BCKLWN recognises that is essential that up-to-date local plans are in place. It would be helpful to have clarity on the matter of intervention and what this Government sees as appropriate which is set out within the consultation material could be seen as preferable to current legal tests/arrangements.
<b>Question 88:</b> Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?	N/A
<b>Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects</b>	
<b>Question 89:</b> Do you agree with the proposal to increase householder application fees to meet cost recovery?	Yes. There is often a disproportionate amount of time spent on these applications so cost recovery would be welcome.
<b>Question 90:</b> 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	If cost recovery is not favoured then increasing fees by at least 100% (to £516) would be welcome, and would better reflect time spent.

Consultation Question	BCKLWN response
<p>example, a 50% increase to the householder fee would increase the application fee from £258 to £387.</p> <p>If <b>Yes</b>, please explain in the text box what you consider an appropriate fee increase would be.</p>	
<p><b>Question 91:</b> 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.</p> <p>Do you agree with this estimate?</p> <p><b>Yes</b> <b>No</b> – it should be higher than £528 <b>No</b> – it should be lower than £528 <b>No</b> - there should be no fee increase <b>Don't know</b></p> <p><b>If No</b>, please explain in the text box below and provide evidence to demonstrate what you consider the correct Fee should be.</p>	<p>Yes, this seems about right as an average for these types of application.</p>
<p><b>Question 92:</b> 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.</p>	<p>Certificate of Lawfulness for Existing Uses (CLEUD) should also be raised in line with the other planning fees.</p> <p>Certificate of Lawfulness for Proposed Use or Development (CLOPUD) should be raised to the same fee as a planning application (it is currently 50% of the application fee).</p>

Consultation Question	BCKLWN response
	<p>Discharge of conditions are time consuming, and in general should be raised, by say 25%. Another suggestion is a scale to cover when there are multiple conditions to discharge, as these should be more expensive to reflect the time taken across a variety of disciplines.</p>
<p><b>Question 93:</b>  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.</p>	<p>Listed building applications, although perhaps a flat nominal fee of say £100 to at least try to bring in some resource to pay for the processing of the application, and the heritage expert input they require.</p> <p>Alternatively, a scale of types of LB applications would perhaps better reflect the time, as some take a significant amount of time because they are very complex. For example, a grade I listed building in our area which is part of a major project has taken many hours of input, with no ability to charge time.</p> <p>Also listed building discharge of condition applications are time consuming so a recognition of the work these take through a nominal fee of say £50 would help.</p> <p>Hedgerow removal notices are currently free and should be charged. The work taken includes a site visit and expert input from an arboriculturist. This should be reflected in a suitable fee, say £150.</p> <p>It is not proposed to require a fee for the majority of tree works applications, as that may encourage unauthorised activity, save for those where the claim is to remove a tree because of structural damage to property, and where they are supported by technical expert evidence. These specialist technical applications take a great deal of resource, so a fee to cover some of that time and cost would be beneficial. A fee of £200 would not cover the costs would at least help recover some of them.</p>
<p><b>Question 94:</b>  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</p>	<p>There are pro's and cons of doing this.</p> <p>It would allow full cost recovery, which means the general taxpayer is not subsidising some forms of development, and would allow LPA's to provide a fully paid for service.</p>

<b>Consultation Question</b>	<b>BCKLWN response</b>
<p>the text box below.</p>	<p>However, there would be discrepancies between LPA's, even close neighbours, which would no doubt lead to comparisons and likely complaints where there are significant differences. This is one of the advantages of the national fee, that is, it is the same for all. Perhaps the middle ground is to have realistic national fees that better reflect the costs of LPA's providing the service.</p>
<p><b>Question 95:</b> What would be your preferred model for localisation of planning fees?</p> <p><b>Full Localisation</b> – Placing a mandatory duty on all local planning authorities to set their own fee.</p> <p><b>Local Variation</b> – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.</p> <p><b>Neither</b> <b>Don't Know</b></p> <p>Please give your reasons in the text box below.</p>	<p>Local Variation – This would allow councils the opportunity to set their own fees, but if they chose not to there is always the fallback position of a nationally set fee regime.</p>
<p><b>Question 96:</b> Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?</p> <p><b>If yes</b>, 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?</p>	<p>Whilst it would be easy to say yes to this, it is perhaps difficult to argue that a member of the public submitting an application for say an extension should subsidise the preparation of the Local Plan. That said there needs to be an alternative way of funding the Local Plan, perhaps a specific Government grant, as it is such a critical part of the process, and is currently extremely expensive to prepare and get through the process.</p> <p>With regards conservation, there could be a modest uplift (say 10%) on planning applications in conservation areas, to reflect the conservation expert advice required for those applications. This is because there is a legal duty to preserve or enhance those areas.</p> <p>Finally, if there is to be a general uplift then this</p>

Consultation Question	BCKLWN response
	<p>could be justified to contribute towards enforcement services. They are the post permission part of the process in many respects, and uphold the integrity of the planning service. Without an effective enforcement service, faith in the system would plummet.</p>
<p><b>Question 97:</b> What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?</p>	<p>Please see answer the answer to question 98.</p>
<p><b>Question 98:</b> 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?</p>	<p>Yes. These are currently extremely time consuming and host authorities are statutorily required to be involved in the process, but with no mandatory way of recovering costs. This seems very unfair, as it takes officers away from dealing with paid for applications. Whilst there is the opportunity to enter into Planning Performance Agreements (PPA's), mandatory payments would take away any uncertainty.</p>
<p><b>Question 99:</b> 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.</p>	<p>If PPA's are made, then these are usually made on the basis of cost recovery for officer time. If fees were to be waived when there is a PPA in place, it needs to be made clear that a PPA would need to cover all officer time, including required input from other services such as environmental health officers (often these will be subject to an Environmental Statement). It should also reflect potential post permission time, such as monitoring conditions and legal agreements.</p> <p>The onus must be on the applicant to secure a PPA which followed appropriate guidance, or potentially pay a new fee to reflect all the time and input required. At the moment the onus is on the LPA to chase developers for costs, which is time consuming and can be slow. If paid up front this really would help.</p>
<p><b>Question 100:</b></p>	

<b>Consultation Question</b>	<b>BCKLWN response</b>
What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?	Guidance should reflect the input required on costs throughout the system, from validation through to director level.
<p><b>Question 101:</b> 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.</p>	If the costs were fully funded, then the onus would be on LPA's and councils to provide the service that was expected of them. At the moment, unpaid work is on top of other work, and may not be given priority. This is especially the case for DCO applications.
<p><b>Question 102:</b> Do you have any other suggestions relating to the proposals in this chapter?</p>	No
<b>Chapter 12 – The future of planning policy and plan making</b>	
<p><b>Question 103:</b> Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?</p>	<p>It is noted that the transitional arrangements seek to address all potential scenarios and situations that different local authorities may find themselves in with reference to the current stage in preparing a Local Plan.</p> <p>The need for transitional arrangements is supported. However, this could be clearer. That said it is recognised that it is challenging to cover every eventually and where each LPA is with regard to plan making.</p> <p>The up-to-date element of a local plan should be carefully reviewed in light of local plans which are likely to be adopted soon, as they are being asked to commence a new plan at the earliest opportunity in the new system, but will not be able to commence this until the new system is in place, so a further time period of protection to enable this to happen benchmarked against the LHN of the adopted plan could be brought forward. This would</p>

Consultation Question	BCKLWN response
	support a plan led system. As an example, a plan adopted this year would not be able to commence a new plan until the new system was online later in 2025, so a further year to the 5 years should be factored in as part of the transitional arrangements of what is considered an up-to-date plan.
<p><b>Question 104:</b> Do you agree with the proposed transitional arrangements?</p>	Not sure that the threshold of 200 dwellings is fully justified and why a specific number rather than a % approach has been taken. The scale of additional growth sort over much of the country is of such a magnitude that it isn't obvious what an alternative approach to this could be and work in reality.
<p><b>Question 105:</b> Do you have any other suggestions relating to the proposals in this chapter?</p>	<p>The BCKLWN remains concerned that the loss of protections for recently adopted Local Plans (in the current NPPF) risks undermining the plan-led system. Although the proposed transitional arrangements go some way towards addressing these concerns, there is only limited recognition given to the implications of changes to the NPPF for recently adopted local plans.</p> <p>Furthermore, further consideration could be given to the implications of changes (including the proposed transitional arrangements) for Neighbourhood Plans. There appears to be an implicit assumption that Qualifying Bodies should seek to review "made" Plans once a new local plan is nearing adoption/ adopted, but no specific recommendation is provided. It would be helpful for the NPPF (or PPG) to address this.</p> <p>Overall, the BCKLWN is supportive of increased digitisation and the speeding up of both the local plan-making process and the decision-making process.</p>
<b>Chapter 13 – Public Sector Equality Duty</b>	
<p><b>Question 106:</b> 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</p>	No particular views or obvious issues arise from the changes.



<b>Consultation Question</b>	<b>BCKLWN response</b>
characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?	