

Proposed response to NPPF consultation 2024

Question/response
Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?
The proposed change would remove wording relating to the Standard Methodology as an ‘advisory starting point’ for assessing housing need (prior to the assessment of any constraints through the Local Plan process). Please see response to question 2.
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?
It is not clear to what extent other mathematical approaches have been used by other local authorities; or how these have been justified. As such no comments are made.
Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?
The urban uplift apportionment within the Standard Methodology does not directly affect Adur or Worthing Councils. However, although the overall aim to promote development urban areas is noted, this is perhaps best explored through regional or sub-regional planning, whilst addressing capacity and infrastructure matters, rather than a mathematical uplift via the Standard Methodology.
Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?
Partly. Paragraph 130 makes clear that significant uplifts in the average density of urban areas may be inappropriate if the resulting built form would be wholly out of character with the existing area; and then goes on to refer to area-wide design codes. Adur & Worthing Councils agree that design code work should be more targeted to those areas that will more clearly benefit, and therefore references to area wide codes adopted as part of the development plan should be deleted. (It should also be noted that the preparation of area design codes is extremely resource intensive and could in fact slow down the preparation of Local Plans). However the reference to significant uplifts should remain; this is an important factor in ensuring good design has regard to the character of the surrounding area particularly in sensitive areas such as conservation areas or other heritage assets, or the setting of a National Park.
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, area wide design codes are extremely resource intensive, and could slow down the preparation of Local Plans if they are to be integrated. These should be focussed in areas of greatest change.

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

The proposed changes in paragraph 11d which clarifies this applies to the policies relating to supply of land is welcomed. The proposed provision of affordable homes (as mentioned in the proposed change to paragraph 11d) should not be sufficient for inappropriate proposals which are inconsistent with a recently adopted plan, to be given permission. However there is a danger that by bringing a greater number of local authorities within the presumption, as mentioned in the consultation document, this undermines the strategy agreed in recently adopted Local Plans and indeed undermines the confidence of local people in the Local Plan process, and the planning process as a whole.

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. The adoption of a sound Local Plan should ensure that there is no grounds for challenge in terms of land supply for 5 years (or a similar time period). During this period short-term fluctuations in land supply should be recognised in those authorities where constraints have been identified through testing of a Local Plan through the examination process. It is important to ensure confidence in recently adopted strategies and not to undermine confidence in the planning system.

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

The reference cross-refers to guidance on calculating land supply and addressing shortfalls or over supply. It is not clear what benefit there is in removing this.

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?

Yes a buffer of 5% allows for flexibility.

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

5% is considered appropriate.

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

Adur District Council and Worthing Borough Council do not publish or submit an Annual Position Statement so should this policy be removed, it has no effect on the Councils.

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

Adur & Worthing Councils welcome additional support for cross-boundary and strategic planning, where the geographies are developed with the relevant local authorities.

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

No comment

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

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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?

It is agreed that use of housing stock provides a more constant, less fluctuating measure. However it is not clear how demographic variations between authority areas are reflected in this methodology. If household populations were to remain a factor in calculating need, they should be based on up-to-date projections rather than the 2014 based ones currently used.

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?

Using an average figure will result in a more consistent figure

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

It is important to recognise affordability pressures facing local authority areas. However it is queried whether increasing the required need figure, and delivery rates will genuinely reduce housing costs.

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?

It is agreed that it is important to address rental costs; however it is not clear that adding this into the Standard Methodology would necessarily result in greater delivery and/or lower rents/ house prices.

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

The proposed removal of the 'cap' in the Standard Methodology process is of concern. This will lead to a greater figure but not necessarily increased delivery

as without careful assessment of capacity, infrastructure, within a planned strategy there is a risk of speculative development resulting in poorly planned development. There also needs to be a recognition that in constrained areas such as Adur and Worthing, there are competing demand for other needs including employment space, open space and leisure etc which must be carefully balanced against the important need for housing, if properly balanced, sustainable communities are to be achieved.

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

The proposed wording makes clear that the development of brownfield land within settlements for homes and other identified needs should be regarded as acceptable in principle. Within Adur & Worthing this is already the case within the defined Built Up Area Boundary. However it is not clear how this might affect small rural settlements with other constraints - for example conservation areas - where additional development might have a significantly adverse impact on character. It should be made clear that these other factors can and should be taken into the planning balance.

Questions 21 to 46 relate to Green Belt which is not relevant to Adur & Worthing.

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; although in practice many authorities (including Adur and Worthing) prioritise this already through Local Plan policies, in line with evidence derived from Strategic Housing Market Assessments or similar. However viability and funding constraints must be recognised and addressed if increased delivery is to be achieved

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

Yes this is supported; this approach has reduced the priority (and financial resource) available to deliver social rented homes and other tenures which are most needed.

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

Yes, as this tenure does not necessarily meet priority needs within an area and it is not clear as to how the figure of 25% related to local circumstances. There appears to have been little interest in First Homes from the development industry or potential purchasers.

There is also an anomaly as the First Home requirement does not currently apply in certain authorities such as Worthing due to the point in time their Local Plans were submitted for examination (11 June 2021 in the case of Worthing). The Written Ministerial Statement on First Homes (published 24 May 2021) says that local plans submitted for examination before 28 June 2021 are not required to reflect the First Homes policy requirements.

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

Those Local Authorities who wish to utilise this tenure should be able to do so; however it should not be a requirement, and those authorities who explicitly do not wish to facilitate the delivery of First Homes should be able to exclude this tenure.

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

Agree, although this is already standard practice for most local planning authorities through policies on housing mix and affordable housing on major sites (10 or more dwellings). Local Planning authorities should be able to define the most appropriate mixes based on factors including evidence of need for various tenures and viability. Requirements should not be overly prescriptive, particularly on smaller sites (less than 10), as this may inhibit development, due to being more onerous for smaller developments and developers, and could lead to additional resources being required to secure mixed tenures via s106 or other means. As mentioned above, viability and delivery need to be considered.

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

In addition to promoting the importance of mixed tenures on major sites, and ensuring that local authorities can seek a mix of tenures based on evidence of local needs and based on local viability. Addressing viability must be addressed-additional funding is required to support the delivery of these tenures. Sites/ areas with particular infrastructure issues such as addressign flood risk or land contamination should be supported,particularly where there is potential for uplifts in housing delivery.

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?

This is likely to be dependent on a range of issues including the wider character of an area; local demographics and housing needs; existing and proposed infrastructure.

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

N/A

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

The proposed wedding makes clear that the need for social rented homes should be addressed in housing needs assessment; this is standard practice and therefore supported. The proposed new reference to assessing needs for looked after children is also acknowledged and supported.

Question 56: Do you agree with these changes?

This question relates to strengthening support for community led housing. It is noted that the definition is proposed to be expanded to include groups set up for purposes other than housebuilding and removing size limits for exception sites. These changes are supported.

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?

It would be helpful to have greater clarity provided in the definition for each of the affordable housing tenures, including Social Rent, Affordable Rent, Private Affordable Rent, Shared Ownership, Discount Market Homes, Shared Equity Homes and First Homes. i.eeach should have their own definition.

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?

Small sites play an important part in land supply, particularly in constrained areas such as Adur and Worthing. However in terms of allocations within plans, the range and types of sites actually allocated in a Local Plan is likely to vary between authorities due to the characteristics of that area, status of the 5 year land supply, and potentially methodologies used for Local Plan work. For constrained authorities such as Adur District and Worthing Borough Councils, smaller sites are assessed as part of the plan review process due to the limited options available. Larger authorities with more capacity may not feel it is necessary to do so, and may choose to allocate only larger sites over a particular size threshold. However, despite not being allocated within a Local Plan, small sites are likely to come forward as windfall and therefore contribute to housing supply in that way.

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?

Agree; the term 'beautiful' is subjective and vague, and can sometimes be presumed to mean certain types of architectural style, materials, etc

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

The amendment to the emphasis on mansard roofs is supported; however please see the response to question 61. It should also be made clear that other forms of upward extension may be appropriate as mansard roofs themselves may not be an appropriate design solution in a particular circumstance.

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

Proposed para 122(e) supports upward extensions "where the development would be consistent with the prevailing (**height and**) form of neighbouring properties and the overall street scene" The reference to consistency with prevailing height is proposed to be deleted. This has been a key consideration with such applications in several appeals locally and the Councils have won appeals on this point. The suggested changes to the NPPF will have a significant

impact on the ability of the LPA to resist this type of inappropriate development. Prior approval applications for additional storey(s) on flat buildings in particular raise significant concerns for local residents, it typically being the case that the freehold of the building in question is not owned by the existing residents/leaseholders of the flat block leaving them feeling severely disadvantaged by the development.

It is important that upward extensions remain consistent with prevailing height otherwise there is greater risk of harmful development; this should be clarified.

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

Yes. It is reasonable for the NPPF to recognise wider key industrial sectors (laboratories, gigafactories, data centres, digital infrastructure, freight and logistics) that are contributing to the modern economy especially given the increasing innovation and investment in the Artificial Intelligence (AI) sector.

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

Decentralised energy such as District Heat Networks given that there are a number of heat networks being established across the country as part of the Government's commitment to achieve net zero by 2050.

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?

Yes. Given that Section 35 was amended in 2013 to allow certain business and commercial developments (prescribed under regulations) which are of a substantial size or have significant economic impact or are important for driving growth, to be directed (on request) into the regime (subject to conditions), it would be consistent to apply this approach for data centres, gigafactories, and/or laboratories.

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?

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

None.

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

The proposed wording states that significant weight should be placed on the importance of new expanded or upgraded public service infrastructure when considering proposals for infrastructure. It is agreed that there is a need for

public service infrastructure to be upgraded nationally. At the local level, both Adur District and Worthing Borough proactively work (as part of preparing Infrastructure Delivery Plans alongside the respective Local Plans) with statutory providers to understand local requirements for public service provision such as expansion or modernisation. Adur & Worthing Councils fully recognise the complexities with delivering such facilities, particularly healthcare however responsibility lies with statutory providers rather than local authorities. As such it should be recognised that Local Plans must look a minimum of 15 years ahead; whilst other statutory authorities work to different timescales. Providers of public infrastructure should work alongside local authorities to consider longer term needs.

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

Explicit wording referring to the need to consider early years and post 16 provision is supported. For information, the existing Infrastructure Delivery Plans for Adur and Worthing already address these matters - Adur IDP includes a section on 'Childcare / Early Years Provision' and 'Further Education & Adult and Community Learning'. The Worthing IDP includes a section on 'Pre-School (Childcare and Early Years' and 'Further Education & Adult and Community Learning' by liaison with West Sussex County Council which assesses need for early years provision, post 16 provision and adult community education in addition to primary, secondary and SEND provision.

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

We are aware that National Highways is endorsing a 'vision-led' approach.

A 'vision led transport' model is supported in theory as the Councils are committed, within the context of carbon reduction, to seek a shift towards sustainable transport modes as an alternative to the car, with the provision of facilities that encourage walking and cycling to be the natural choice for shorter journeys. The Councils have a Local Cycling Walking Infrastructure Plan which includes a list of prioritised schemes that link schools, green spaces and transport networks to facilitate active travel in key areas. Many of the sections identified have been highlighted by local residents, schools and active travel groups as locations where safety improvements and infrastructure are needed.

However, the practicalities of implementing a vision led approach model would need to be guided by some parameters to establish the scope in order to generate deliverable outputs. In addition, this approach would need to be resourced as it has the potential to be quite a resource intensive exercise requiring technical expertise in transport planning.

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

The use of Health Impacts Assessments (HIA) are discretionary and thus not a mandatory policy requirement. However, based on best practice, many LPAs are now including a HIA as a policy requirement in Local Plans for major residential

and commercial development and this policy approach has been incorporated into the Worthing Local Plan. It would be useful if the NPPF could recognise the value of HIA as a tool for promoting healthy communities as it is currently silent and therefore this will allow for a much more consistent approach to be carried out amongst LPAs in the preparation of their Local Plans.

Whilst it is recognised that the planning system can address some of the wider determinants of health (eg provision of open space and leisure facilities; active travel measures), it is questionable whether planning can fully tackle childhood obesity as there are other factors / variables involved that fall outside the remit of the planning system (for example people's behaviour). It is recommended that other bodies such as the NHS & Department for Education play a key role in tackling childhood obesity.

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

Additional wording is proposed to be inserted into current paragraph 115 to ensure that development should only be prevented/ refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts would be severe '*in all tested scenarios*'. This additional wording (see italics) is queried as it appears to link refusal to theoretical test scenarios rather than realistic impacts. We would request that this wording is reviewed.

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

Yes. Large onshore wind projects are best addressed through the NSIP regime. Applications for Development Consent Orders for NSIPs come with greater burdens than those made under the Town and Country Planning Act (TCPA). More resources must be deployed towards the application itself and accompanying environmental assessment and consultation activities. In combination with the proposed change in threshold at which onshore wind projects are deemed to be Nationally Significant (50MW to 100MW) will ensure that proposals are considered at the appropriate level of government.

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 support proposals for renewable energy generation and add weight to the importance of the proposals contribution to achieving net zero.

However, the wording of Paragraph 163 should be clarified. "Renewable and low carbon development" could be interpreted in a number of ways. The paragraph is specifically referring to renewable and low carbon energy generation. This should be made clear to avoid misinterpretation of the intent of the policy.

Changes to Paragraph 160 (now 161) will support the identification of suitable sites. However this will require additional guidance in the PPG to clarify exactly what is required of LPAs.

Furthermore, the position on setting local requirements for local energy generation through local plans should be clarified.

Question 74: Some habitats, such as those containing peat soils, might be

considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Yes. The importance of habitats for carbon sequestration and biodiversity must be addressed. It should be made clear that these will be considered through the Environmental Impact Assessment process.

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. Applications for Development Consent Orders for NSIPs come with greater burdens than those made under the Town and Country Planning Act (TCPA). More resources must be deployed towards the application itself and accompanying environmental assessment and consultation activities. Accordingly, few projects have come forward in the 50-100MW range as developers have not considered them cost effective. The department argues that the proposal should remedy this.

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?

Yes. Applications for Development Consent Orders for NSIPs come with greater burdens than those made under the Town and Country Planning Act (TCPA). More resources must be deployed towards the application itself and accompanying environmental assessment and consultation activities. Accordingly, few projects have come forward in the 50-150MW range as developers have not considered them cost effective. The department argues that the proposal should remedy this.

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

n/a

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

The NPPF should include the recommendations contained in the Spatial Planning For Climate Resilience & Net Zero report for the Climate Change Committee (2023). In particular:

- Include explicit requirements for carbon accounting of local plans and demonstrating emissions reductions in line with the Climate Change Act and national Carbon Budgets.
- Set out explicit requirements and expectations for local plans to achieve specific climate adaptation targets and transition to a net zero future.
- Include reference to reducing carbon emissions and supporting climate adaptation in the definitions of the test of soundness and sustainable development.
- Be clear that national policy and standards on climate change are a minimum baseline and enable local authorities to set more ambitious targets where this is justified.

- Reform the viability process so that net zero becomes a baseline requirement when determining the viability of a plan or project.
- The government should disaggregate the national carbon budget to local authority scale, providing local planning authorities with the evidence and methodology through which compliance of plans and proposals can be measured.
- Local plans and decision making should be tested against a holistic framework of adaptation and resilience measures, incorporated into the NPPF, with clear parameters set within the PPG so that performance can be measured against defined targets.
- A national standardised definition of net zero buildings should be incorporated into the PPG. The forthcoming UK Net Zero Carbon Buildings Standard should be approved to be used where appropriate.
- Stronger Planning Practice Guidance to support local authorities with plan making for climate adaptation and mitigation is required in specific policy areas, including:
 - Sustainability appraisal.
 - Embodied carbon.
 - Operational emissions.
 - On-site renewables.
 - Resource efficiency.
 - Allocation of land for adaptation measures.
 - Housing typologies and net zero requirements.
 - Onshore wind (inc. demonstrating community support).
 - Food production and farming.
 - Battery storage.
 - Local area energy plans.
- Other nationally prescribed methodologies that inform and influence local planning need to be updated to properly account for (and prioritise) climate change considerations, so that external agencies are not undermining local efforts to drive climate focused plans. This includes transport modelling approaches and guidance to enable transport decarbonisation.
- Embed policy support and enablers for retrofit into the NPPF and permitted development rights (e.g. future proofing homes for boiler replacement, energy efficiency, clearer guidance for historic buildings).

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?

Accurate carbon accounting is vital to ensure that plans genuinely deliver radical reductions in greenhouse gas emissions. However, LPAs lack the evidence, technology, capacity, knowledge and skills to carry out carbon accounting for local plans. Carbon assessment methodologies for new developments should consider the whole life carbon impacts of buildings with particular focus on embodied and operational carbon emissions.

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

Flood Risk is a significant issue for climate change adaptation particularly surface

water flood risk. Surface water flooding is particularly hard to predict, often occurs with little or no warning and its frequency and severity is likely to significantly increase with climate change.

There is a critical need for new housing, however, in areas with limited land availability such as Adur & Worthing this has meant there is pressure to bring forward sites at a high risk of flooding (due to the lack of sites at low or medium risk).

Paragraph 11 b) i. Footnote 7 of the NPPF provides allowances to not meet objectively assessed needs for housing in areas at risk of flooding or coastal change. However in reality the only policy exceptions are in NPPF paragraph 165 for land defined as functional floodplain (flood zone 3b) where more vulnerable development is classed as not appropriate; or NPPF paragraphs 169 - 171 if (where required) the Exception Test can not be passed. The definition of functional floodplain does not include surface water flooding which in many areas includes flooding from watercourses / non-main rivers. Similarly although the NPPF refers to all sources, PPG Table 2 (Paragraph: 079 Reference ID: 7-079-20220825) which details when the Exception Test is required only refers to Flood Zones 2 and 3 which relate to tidal / fluvial flooding and does not cover surface or groundwater flood risk.

The NPPF makes clear that there are two parts to the Exception Test and both must be passed. It is incredibly difficult to justify that a site does not pass part a) of the Exception Test particularly in a local authority area that is unable to meet its objectively assessed housing need. This is an area where clearer wording in the NPPF and further guidance would be welcomed to make clear where the pass threshold is.

Where a site can demonstrate it will be safe and not increase flood risk elsewhere part b) of the Exception Test has been passed. However safe does not mean that the area will not flood and development in these areas therefore results in additional people living in areas that experience flooding and the economic and social costs (particularly related to health and wellbeing) associated with this. The PPG links to guidance dating back to 2005 and further guidance on what constitutes 'safe' and the point at which development should be refused would provide useful clarity and more consistency both for local authorities and developers.

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

The position on setting local requirements for local energy generation through local plans should be clarified.
New paragraph 156 in the consultation draft should be moved to Chapter 15. Conserving and enhancing the natural environment. This would ensure that new development in areas that do not have green or grey belt land meet Natural England's standards on green infrastructure, accessible green space and urban greening factor and Green Flag criteria.
Biodiversity net gain should be widened to incorporate environmental net gain in accordance with the 25 Year Environment Plan.

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

This relates to assessing the availability of land for food production when considering sites for development. No comment

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

No comment

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?

We agree it would be sensible for projects that are of national, sub-regional or regional importance to be captured within the NSIP regime but that decision making for schemes that only serve the local area should be retained by local authorities.

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?

Setting requirements relating to water efficiency measures is currently restricted by Building Regulations with the higher level set to 105 l/p/d but this is currently less than what is emerging in Water Company plans as needed to adapt to climate change and help improve resilience. We would recommend that this higher level is reviewed or flexibility given to local authorities to set stricter policies in Local Plans where justified and tested for viability implications.

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

This chapter should have clear links to and be consistent with the Environmental Improvement Plan 2023 and the climate change National Adaptation Programme.

New paragraph 156 in the consultation draft should be moved to Chapter 15. Conserving and enhancing the natural environment. This would ensure that new development in areas that do not have green or grey belt land meet Natural England's standards on green infrastructure accessible green space and urban greening factor and Green Flag criteria.

Biodiversity Net Gain should be widened to incorporate environmental net gain in accordance with the 25 Year Environment Plan.

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

This relates to the circumstances where the Secretary of State would intervene in the Local Plan process. It is noted that the proposed revised criteria for determining whether intervention is required include local development needs; sub-regional, regional and national development needs; or plan progress. The proposed wording would make this clear. It is also noted that local authorities would be given an opportunity to put forward any 'exceptional circumstances'. Adur & Worthing Councils seek assurance that factors such as physical

constraints of an area, plus local evidence, are taken into account in assessing whether needs are adequately addressed in any particular Local Plan. Furthermore it should be noted that the progression of Local Plans is heavily dependent upon resources, including the availability of professional planning staff; local authorities would benefit from additional support to facilitate the plan-making process.

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

The proposals set out in relation to Question 87 give clarity as to the circumstances where intervention might take place.

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

Q89/91: It is proposed that householder fees increase from £258 to £528. Officers consider that this is a positive change and recognise that this may often be only a very small percentage (Government estimate 1%) of a householder development project. However, we recommend some stratification for instance a new fence, porch or conservatory under 30sqm or any other extension under say 10sqm should attach a significantly lesser increase.

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.

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

No – it should be higher than £528

No – it should be lower than £528

no - there should be no fee increase

Don't know

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

See response to question 89 above

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.

Q92: Other fee increases should include those for minor material amendments ('section 73 applications'). These are often used to make changes to permissions for major developments. However these only incur a fee of less than £300. The scope of a s.73 application can vary widely, and can often necessitate re-notification and re-consultation of a large number of neighbours and consultees and revisiting complex and issues, all of which incurs significant costs in officer time and administration.

Accordingly officers recommend that a fee should be a proportion of the original, perhaps 30%, but with discretion for Councils to charge a lesser fee where it is not expected to involve significant work and administration, (this distinction would need to be defined locally)

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.

Q93: Applications for Listed Building Consent and Works to preserved (TPO) trees, are currently not chargeable. The principle of some charge is supported but officers are mindful that this should not be set at a level which discourages the making of these applications for good husbandry and custodianship of such trees and buildings which already entail an intrinsic cost to owners.

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.

Q93: Applications for Listed Building Consent and Works to preserved (TPO) trees, are currently not chargeable. The principle of some charge is supported but officers are mindful that this should not be set at a level which discourages the making of these applications for good husbandry and custodianship of such trees and buildings which already entail an intrinsic cost to owners.

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

Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.

Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.

Neither

Don't Know

Please give your reasons in the text box below.

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Question 96: Do you consider that planning fees should be increased,

beyond cost recovery, for planning applications services, to fund wider planning services?

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

This might include activities such as statutory Local Plan preparation and Conservation Area designation and reviews, also planning enforcement services. If the costs of such activities were apportioned among planning application fees, it is estimated that these would rise by 157%. Officers consider that this would be a disproportionate and indiscriminate approach. However officers suggest that certain areas may be worth further exploration between Government and Local Authorities as follows:

- Site promotion charges: In Local Plan making, promoters of individual sites Could perhaps be required to contribute to costs and studies associated with evaluating their sites for allocation for future development.
- Planning Enforcement Notices and Breach of Condition Notices. A significant uplift is recommended in penalty payments for non-compliance with enforcement notices.
- Construction Management Plans (CMP) should become a mandatory requirement for major developments. Often the management of construction works on major development sites is subject to a CMP as a required condition of planning permission. The enforcement of these can incur very significant use of planning enforcement and environmental health resources. Using templated formats and with specific targeted penalties for non-compliance will provide a more manageable and more readily penalised regime. This may increase the rates if adherence to CMP and allow for recovery of costs, where incurred.

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?

See response to Question 96

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?

Q98/102. This question relates to making responses to development consent orders, (such as for off-shore wind farm or new trunk road projects). Officers recognise that these may occasionally and rarely arise and require the use of staff resources. However, within the limited time available to respond to the current draft proposals, officers recommend that the Council's response should focus on the other fee-change proposals already considered above.

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.

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

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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.

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

See response to question 96.

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

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

As above

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

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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?

No comment.