

## **Appendix B - NPPF consultation responses to questions**

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

LBH recognises that having a standardised approach to housing targets can reduce ambiguity and lengthy debates on the number of homes to plan for. However, LBH strongly objects to both the current and proposed standard Methodology which inflate Havering's housing requirement. Under the current methodology, Havering's housing need is 2,385 per annum. LBH has previously argued that this is not a robust methodology and over inflates the level of need, particularly because of the urban uplift applied to London. The current consultation on the NPPF proposes an update to the standard methodology, which would reduce Havering's figure from 2,385 to 1,922. However, this still represents a significant increase over our own Local Housing Needs Assessment from 2023 which found that there is a need for 29,095 homes over the period 2021 - 2043 (1,322 per annum).

LBH consider that this assessment provides a more realistic and locally justified housing need. Furthermore, the Havering Local Housing Needs Assessment considers the mix of homes that are needed, with the emphasis on the need for larger homes, suitable for families. The proposed standard methodology takes no account of this and would result in fewer suitable homes with development chasing targets rather than the identified mix need.

The government has committed to delivering 1.5million homes over 5 years, but has not published any evidence to support this housing target. In the absence of a robust evidence base LBH would urge the government to remove the standard methodology and recognise that locally robust evidence should provide the necessary starting point for housing delivery.

### **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?**

Please refer to the response to Q1

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

LB Havering does not support the urban uplift that previously applied to the standard methodology and agrees that this should be removed. However, LBH remains concerned about the revised methodology and would urge the government to remove the standard methodology in London and recognise that locally robust evidence should provide the necessary starting point for housing delivery.

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

LB Havering strongly opposes the deletion of paragraph 130 in full. Local character should remain an important consideration when identifying housing capacity and establishing density. Uplifts in density that result in development wholly out of character with the existing area are inappropriate in Havering. LBH is committed to ensuring that future development in Havering meets the needs of the local community and protects the existing character of the Borough. LBH has recently undertaken a Character Study which will form an important part of the evidence base for a revised Local Plan. The Character Study clearly evidences that much of the Borough is suburban in nature and is sensitive to increases in density. Local character should remain an important consideration when identifying housing sites and establishing density.

**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?**

LBH believe that Design Codes more focused on specific areas with greater development potential would be positive. Previous guidance for Borough-wide Design Codes were not specific enough and would require too much resourcing. However, the flexibility to provide borough wide codes could be retained to ensure certain key principles are understood by developers.

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

LBH is currently subject to the presumption in favour of sustainable development. In our view this does not lead to increased housing delivery, but results in lengthy and costly planning appeals and inquiries at which the weight afforded to specific policies is debated. The outcome of these decisions varies and when approved often results in the delivery of poor quality development.

LBH would therefore urge the government to remove the presumption in favour of sustainable development. However, if it is retained, LBH do support the clarification proposed to the NPPF that refers to the need to consider locational and design policies and affordable housing.

**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?**

LB Havering does not agree that Local Planning Authorities should be required to continually demonstrate a 5 year land supply regardless of plan status. Where a local authority has successfully progressed a Local Plan to adoption there should be no requirement to provide an annual 5 year land supply whilst that plan remains up-to-date.

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

LBH has not previously over-supplied housing, however in principle where an authority has oversupplied it is reasonable that this could be set against upcoming supply.

**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?**

LBH do not agree that a 5% buffer should be re-instated particularly in the context of the over inflated housing targets proposed through the standard methodology.

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

N/A

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

LBH has not used Annual Position Statements and recognises that this had not been widely used, in this context we do not object to the removal of this policy.

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

LB Havering falls within the Greater London Authority and therefore the London Plan forms part of the Development Plan. We therefore have no comments to make in regards to the proposals regarding Spatial Development Strategies outside of London.

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

LBH note that the Government has no firm proposals, however we agree that local authorities should not be deterred from planning for strategic scale proposals and associated infrastructure where this meets local identified housing and economic needs. In this context it may be helpful for the Local Plan tests of soundness to be amended to ensure that Local Plans are able to facilitate strategic scale development and are not solely focused on development that will come forward in the immediate term.

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

None

**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?**

LBH does not support the standard methodology. Please refer to our response to Q1.

**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?**

LBH does not support the standard methodology. Please refer to our response to Q1.

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

LBH does not support the standard methodology. Please refer to our response to Q1.

Under the proposed methodology LBH are concerned that the affordability adjustment is given too much weight and pushes up the housing target in London artificially.

**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?**

LBH does not support the standard methodology. Please refer to our response to Q1.

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

None

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

LBH supports giving substantial weight to the value of using suitable brownfield land within settlements and agree that “proposals for which should be regarded as acceptable in principle” However this should not override other planning considerations in terms of design, density, access, infrastructure, biodiversity etc.

LBH consider that Havering Local Plan and London Plan already prioritises brownfield land for development and therefore we do not consider that the proposed change is necessary.

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

The proposed amendment removes the reference to existing development and replaces it with consideration only of substantial harm to the openness of the Green Belt. Havering is concerned that the use only of the term ‘substantial’ is open to a wide interpretation and accordingly will result in time and resources debating this, slowing down the planning process. Retention of the current text is clearer and should be retained.

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

Glass houses for horticulture are an important asset that provide economic benefits and food security. LBH do not consider that glass houses should be considered as previously developed land as this may incentivise the redevelopment of these facilities for other uses.

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

LBH consider that the introduction of grey belt and its potential use for new residential and commercial development could (subject to careful definition) enable local authorities to focus on strongly protecting and enhancing the green belt, which reflects the Council's aspirations.

Grey belt also has the potential to help ensure that existing brownfield sites are brought forward at densities that reflect the character of the borough and are not over-developed.

The Havering Local Housing Needs Assessment (2023) is based on a robust and justified methodology and has identified the need for a mix of homes that moves away from smaller units. The overall identified need in Havering is for a greater number of family homes with 3+ bedrooms. LBH would like to see the development of good quality, family houses with access to amenity space.

The larger homes are more challenging to build in dense urban areas and the possibility of grey belt to help address this need, along with infrastructure, is supported. The use of grey belt may help to address the considerable development pressures where the quantum and density of development is already challenging.

The criteria for "grey belt" and when it can be considered for redevelopment does need to be tightly defined and should respect the importance of retaining a green belt and the reasons for its initial designation. Without tight definition the introduction of this grey belt is likely to lead to a significant increase in speculative planning applications for inappropriate sites in LB Havering which are resource intensive.

LBH would urge the government to carefully consider the definition of grey belt and previously developed land. Consideration could be given to landfill sites and areas with hardstanding, however this may not be appropriate in all areas. Local authorities are best placed to be able to determine the grey belt within their borough and scope should be given within the NPPF in this regard.

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

LBH agrees that defining grey belt in terms of its contribution to the purposes helps prevent the degradation of existing green belt land. However, as a precaution, there should be provision within the NPPF for local authorities to challenge claims that a site is grey belt where there has been purposeful degradation.

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

LBH considers that additional guidance is needed to ensure there is some consistency across authorities, this is particularly important because the metropolitan green belt spans across multiple boroughs.

The current proposed guidance is not fit for purpose and is contradictory in part. As currently draft the guidance requires land to 1. not strongly perform against each of the green belt purposes AND 2. Meet one of several other criteria. However, two of the criteria relate to the green belt purposes and are arguably already covered by requirement 1.

LBH is also concerned that there is no attempt to define 'strongly perform' or 'substantial built development'. This requires clarification – for example, it should be clarified that agricultural buildings such as lightweight metal framed barns would not normally be included within the grey belt designations.

LBH would urge the government to reconsider the guidance and would welcome the opportunity to have further input on the redrafted guidance.

**Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?**

Please refer to our response to Q25.

**Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?**

Significant areas of the Green Belt in LB Havering are designated as Sites of Importance for Nature Conservation (Local Wildlife Sites) and Wildlife Corridors. These will be major components of the Local Nature Recovery Strategy in this part of London.

Local Nature Recovery Strategies could identify sites and wildlife corridors, in addition to those already designated, where protection and / or enhancement of biodiversity would benefit the strategy. They could help prevent further fragmentation and improve connectivity. To achieve this, LNRSs would need to be given significant weight in the consideration of where development is acceptable.

**Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?**

LBH agree in principle with the sequential test to guide release. However, please refer to our response to Q23 regarding the introduction of grey belt.

**Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?**

LBH agree in principle that the release of the land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole, however it is unclear in practice how this will be achieved given that the Green Belt in individual boroughs forms part of the wider London Metropolitan Green belt. No guidance is provided on the role of the London Plan and GLA in this process. LBH are concerned that the lack of guidance could leave London Borough's without any certainty until such a time as a new London Plan is produced, which could in turn cause delays to plan making in London.

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

LBH strongly objects to the proposal to support the release of land outside the local plan making process that relates to housing delivery of less than 75% against the housing delivery test or a lack of five-year land supply. This proposal does not consider local issues for the lower delivery of land, or where permissions have continually been high, but developers have not yet built out the permissions. These proposals will result in piecemeal development and reduce the impetus for the development of urban sites and would result in urban sprawl that does not protect the green belt.

**Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?**

Please refer to our response to Q30.

**Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?**

LBH have met identified need for Gypsy and Traveller accommodation through our Local Plan 2016-2031. This was only possible by allocating existing occupied sites in the green belt. LBH agree with a sequential approach to identifying sites that prioritises brownfield sites.

LBH is concerned that any proposed changes to the NPPF in relation to green belt, grey belt and previously developed land must not act as an incentive for gypsy and traveller encampments to be established on an unauthorised basis, especially where provision has already been made through a plan-led process.

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

Please refer to our response to Q32

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

LBH supports the Government's view that local areas are best placed to decide the right mix of affordable housing for their communities and that tightly defined prescriptive requirements relating to home ownership products should be removed.

Local evidence in Havering shows a need for genuinely affordable rent. The recent increase in the demand for temporary accommodation has far exceeded the local authority budget. Current affordable home ownership products are beyond the reach of most households in temporary accommodation. The financial exclusion experienced by many of the people on low incomes and on benefits means they are not able to take advantage of home ownership products because they will not be able to access mortgages.

LBH does not support the continuation of First Homes, it does not meet need and is bureaucratic to deliver, with high long-term costs to administer which are excluded from funding burden considerations.

LBH is supportive of a mix of affordable products including both social rent and affordable home ownership and welcomes the flexibility provided by the proposed changes to the NPPF.

**Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?**

In principle LBH supports the delivery of 50% affordable housing from any green belt/ grey belt development, however, we recognise that this may impact on viability and therefore fail to increase the overall delivery of housing. LBH would support Local Authorities being able to set a lower threshold through their Local plans, based on robust local evidence, but this should not be negotiable through the development management process.

**Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?**

Yes, LBH agree with the golden rules in relation to delivering access to good quality green spaces and nature and the objective for new residents to be able to access good quality green spaces within a short walk of their homes. LBH has high quality green spaces which are a valued asset and are a key component of the character of the borough. This should be a key focus of any development within the grey belt.

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

LBH supports the limited use of viability assessments where negotiation is genuinely needed for developments to come forward.

LBH consider that local authorities are best places to set indicative benchmark land values based on local circumstances and evidence. Any national benchmark land value should only be for guidance.

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

Please refer to our response to Q37.

**Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?**

Please refer to our response to Q37.

**Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?**

LBH support this approach.

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

LBH supports this approach as viability reviews are already used in London.

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

The proposed golden rules are not appropriate for commercial development and traveller sites. LBH consider that alternate golden rules in relation in infrastructure and local employment could be applied to commercial development.

**Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?**

LBH would expect the golden rules to apply once a new Local Plan is in place which will follow the publication of the NPPF.

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

LBH support the suggested approach

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

LBH would welcome the opportunity to comment on any proposals the Government brings forward.

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

None

**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?**

LBH supports the Government's view that local areas are best placed to decide the right mix of affordable housing for their communities and that tightly defined prescriptive requirements relating to home ownership products should be removed.

Local evidence in Havering shows a need for genuinely affordable rent. The recent increase in the demand for temporary accommodation has far exceeded the local authority budget. Current affordable home ownership products are beyond the reach of most households in temporary accommodation. The financial exclusion experienced by many of the people on low incomes and on benefits means they are not able to take advantage of home ownership products because they will not be able to access mortgages.

LBH is supportive of a mix affordable products including both social rent and affordable home ownership and welcomes the flexibility provided by the proposed changes to the NPPF.

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

Refer to our response to question 47.

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

LBH does not support the continuation of First Homes, however if it is continued then there does need to be a minimum level of discount. Most local authorities have not been able to find sufficient evidence to justify higher discounts, so the minimum has become

the norm. Developers will always pressure to reduce the discount to an absolute minimum, so the limit provides some protection.

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

LBH does not support the continuation of First Homes – it does not meet housing needs and is bureaucratic to administer. The long-term costs of administration have not been accepted under the new burdens funding for local authority.

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

Yes, LBH support this proposal as this reflects the existing Havering Local Plan and London Plan policy. Place shaping and creating sustainable communities means that there should be a mix of tenures and types of units in new developments.

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

LBH consider that reform is needed of the affordable housing s106 agreements. Social landlords are no longer willing to enter into the agreements with developers for several reasons, but primarily because the asking price is too high and the quality of the product is uncertain. Developers have been squeezed on viability and are determined to get higher prices for their affordable properties. The entrance of for-profit registered providers, and alternative affordable housing products, has also meant that there is more competition in the s106 market and this has raised expectations on price of developers.

S106 policy also needs to be linked to affordable housing grant policies. Registered Providers have seen grant rates reduced as prices have increased and they have decided to pull out of the market.

One proposal would be that a new use class is introduced of social housing. This would require that developments on the land are required to be a majority (the percentage to be determined locally based on demand), have to be social rent/affordable housing. This should be part of the LAs 5 year land supply. This would bring the value of the land to a level that RPs could compete, at no cost to the public purse.

**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?**

The additional considerable demands tall buildings make on structure, safety and services make them an inherently expensive form of development, one likely to be rendered even more costly when the post-Grenfell installation of two fire escape staircases in all buildings over 18m becomes mandatory in 2026. With every square foot having an increased cost implication, the higher a building goes up, the more financially challenging they become. The business case for large-scale high-rise development has typically built in the ability to develop private leasehold properties for market sale that then subsidise the development of social housing.

Social housing is inherently for poorer families and particularly, for families with children. The design of such schemes needs to bear that in mind – providing private amenity space and defensible space for households to maintain. The on-going maintenance liabilities for RPs need to be considered – many RPs are struggling to maintain their existing properties in good condition. High rise development requires significantly more investment in maintenance than traditional street properties.

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

N/A

**Question 55 (relates to meeting the needs of looked after children): Do you agree with the changes proposed to paragraph 63 of the existing NPPF?**

LBH fully support the requirement to provide housing for care leavers. It is important to understand however that not all care leavers will need the same sort of housing and therefore a range of housing options should be considered. This is best dealt with through the allocation schemes rather than through the planning policy.

**Question 56 (relates to community led development): Do you agree with these changes?**

LBH support these changes in principle.

**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?**

LBH consider that levels of affordability should be set locally to reflect local housing markets and employment markets. They should also be reviewed regularly to reflect changing conditions.

**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?**

LBH consider that the 10% requirement for small sites should be guidance only and local authorities should be able to identify a lower percentage where they can evidence that they have genuinely sought to identify small sites but are not able to.

LBH is concerned that even when small sites are allocated these may not be delivered. This is a reflection of the housing market which is dominated by volume house builders who deliver a better profit on larger, cleaner sites. Smaller sites do not have economies of scale and often come with development risk and require significant pre-development investment. Registered Providers, working in partnership with LAs, have been instrumental in delivering on smaller sites as they are willing to take the development risks that private house builders are not willing to take.

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

Yes, LBH agree that references to beauty should be removed. Beauty is subjective and cannot be defined. LB Havering believe there should be a focus on place making and character. Please refer to our response to Q4.

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

Yes, LBH consider that there are many different types of upward extension, so broadening the description to include more than just mansard roofs would be more logical.

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

LBH consider that the NPPF should clarify that upward extensions would need to be considerate to the character of the local area and consider any impacts on neighbouring properties

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

LBH is committed to securing economic growth and inward investment. LBH welcomes the recognition within the draft NPPF of the importance of data-driven, creative and high technology industries. In particular, LBH supports the Government's explicit recognition of the need for facilities and infrastructure to support the growth of these industries, including data centres and grid connections. The NPPF should recognise the locational constraints around the delivery of such infrastructure and in this context, it is important that the NPPF continues to allow development within the green belt where very special circumstance can be robustly evidenced.

Havering Local Planning Authority is currently preparing a draft Local Development Order, which if approved could bring forward a 400,000sqm data centre campus and a 105-hectare ecology park. This proposal aligns with LBH's and the Government's economic growth and investment aspirations and could offer significant economic benefits and employment opportunities.

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

The NPPF should be sufficiently flexible to facilitate future growth sectors as they emerge. The explicit recognition of the importance of data centres is long overdue and has created uncertainty when planning for these types of facilities.

**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?**

As set out in our response to Question 62, Havering Local Planning Authority is currently preparing a draft Local Development Order, which if approved could bring forward a 400,000sqm data centre campus and a 105-hectare ecology park.

The NSIP consenting regime may be appropriate in certain circumstances, however our experience of other NSIPs are that they are lengthy, expensive and resource intensive and are not locally driven.

**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?**

Please see response to Q64.

**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?**

LBH support the delivery of social infrastructure and public services to meet the needs of the local community. However, the proposed change to paragraph 100 of the NPPF will not address the wider issues around the funding and resourcing of the necessary infrastructure provision.

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

LBH support the increased emphasis on early years and post 16 education places. Consideration should also be given to expanding paragraph 99 to include increased emphasis on SEND places. However, the proposed change to paragraph 99 of the NPPF will not address issues of funding and deliverability.

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

In principle LBH supports the vision led approach, however in the absence of guidance or further detail on how this will be achieved we are unable to comment more fully. LBH would welcome the opportunity to review and comment on the proposed guidance.

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

LBH supports the commitment to taking action on public health and reducing health inequalities. There is a need for all major development to assess the impacts on health of that development at an early stage to maximise benefits and minimise harm. LBH supports the requirement for Health Impact Assessment for all major developments.

In London new hot food takeaways are prevented within 400m of schools. LB Havering considers widening this approach nationally would be beneficial and provide greater consistency across such development proposals in England. There is evidence to show that this would have the greatest positive impacts in areas of greatest deprivation.

In line with Public Health evidence base, LBH is considering further planning policies on the provision of public water fountains alongside major development, particularly in town centres and transport hubs to enable refilling of water bottles and reducing the consumption of high calorie drinks. This provision should be considered across the country.

LBH considers that there is a need for a better link between urban planning and the licensing process for greater influence over the sale of alcohol, in local hot spots of alcohol related crime/ nuisance reports.

LBH supports national planning policy that promotes active travel, walking and cycling. LBH actively encourages alternatives to car travel to/from schools with walking zones; school streets (time limited car free streets); walking buses for safer and healthier access to schools.

LBH also supports measures to ensure food security. Modern heated horticultural facilities are likely to become more important in this regard.

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

None

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

The NSIP consenting regime may be appropriate in certain circumstances, however our experience of other NSIPs are that they are lengthy, expensive and resource intensive and are not locally driven.

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

LBH supports these proposals, subject to existing environmental protections.

**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?**

LBH support additional protections which are likely to be more effective than compensatory mechanisms, especially as it is often difficult to verify if compensation has taken place or is capable of achieving the required degree of compensation.

**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, LBH agree as this means that there is scope for more wind projects to be determined locally rather than through the NSIP regime.

**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, LBH agree as this means that there is scope for more solar projects to be determined locally rather than through the NSIP regime.

**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?**

LBH believe that increased energy efficiency standards are already being achieved in London and some of these standards could be rolled out nationally. For example, the requirement for new development to reduce carbon by at least 35% above Building Regulations in London could be applied nationally to all new development over a certain size threshold.

Many planning departments struggle to understand/enforce increasingly technical sustainability policy and guidance, therefore any simple and easy to follow guidance in the NPPF would be particularly valuable – e.g. all new development should be required

to avoid gas boilers, all south and west facing windows should have solar shading devices to minimise overheating.

**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?**

Planning departments are under resourced and often lack specialist knowledge and expertise which is having an impact on the ability to be at the forefront of emerging technology.

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

LBH note that there are no specific proposals currently. LBH would welcome the opportunity to comment on any proposals that come forward.

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

The current NPPF does not sufficiently emphasise embodied carbon savings associated with the prioritisation of renovation/extension over demolition/replacement.

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

LBH support the removal of this footnote and revert to the policy as previously drafted.

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

LBH supports measures to ensure food security. Modern heated horticultural facilities are likely to become more important in this regard.

**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?**

LBH agrees that water resilience is critical and would welcome the opportunity to comment on the Government's future proposals to achieve this.

**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?**

N/A

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

No

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

LBH consider that it is reasonable to have up-to-date criteria in place.

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

LBH consider that it is preferable to retain up-to-date criteria.

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

Local Planning Authorities are critically under resourced. LBH strongly supports increased fees for planning applications. The Council welcomes the Governments proposal to increase householder fees to meet cost recovery.

**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.**

Cost recovery will vary from authority to authority depending on a number of factors including the cost of officers and accommodation which varies from region to region. For a London authority like Havering, cost recovery would be in the region of £500-600 based on an average application.

Where only minor alterations are proposed to a house, for example proposals that propose no floorspace or volume, a lesser fee may be more appropriate and relative to the works proposed.

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

Yes

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

**Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.**

Yes

Outline and Reserved Matters Applications: Currently the fee is based on site area, but this does not reflect the complexity or intensity of the development being proposed. The amount of work involved in an outline application is not significantly less than an application for full planning permission. Where all or most matters are reserved, the outline application is the only opportunity to apply relevant conditions, legal agreements and have sufficient information to adequately influence the reserved matters application(s) should permission be granted – this takes a significant amount of work. Applicants often submit applications with only one matter reserved (e.g. landscaping) such that all the information submitted is equivalent to a full planning application – it is assumed that the reason for this is that if permission is refused, the initial outlay through the fee paid for the determination is significantly less. It is therefore suggested that the outline fees should be amended to more closely reflect the quantum of development being sought and reserved matters can be a lower per dwelling/floorspace fee.

S73 Applications: The amount of work involved in these applications can vary enormously. Where major development has not commenced or completed, applications to make changes to the proposal can raise significant issues that need detailed consideration, including review of legal agreements and all conditions which often need significant rewording due to having been fully or partly discharged previously. £293 does not come close to the work involved. It is suggested, that where the development granted planning permission has not been commenced or completed, that the fee be increased significantly, also linked to the size of the development.

Material Changes of Use of Buildings/Land: For large buildings or sites, the fee of £578 does not reflect the work required to assess the application. Examples where such low fee has been paid includes, change of use of land to open storage; change of use of buildings to HMO; change of use of building to place of worship. It is suggested that the fees for changes of use of land or buildings over a specified size be based on the site or floor area.

Prior Approval – Part 16 Telecommunications – Such applications can often prove to be controversial and difficult to deal with effectively in the limited timescale for determination. Meaningful pre-application discussions would be beneficial to achieving the best outcome for proposals for new or amended masts, however the operators and/or their agents seem to be unwilling to pay for such services. It is suggested that the fee be increased significantly to resource applications where no use of a pre-application service has been made.

**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.**

Cross Boundary Applications – Currently the authority with the largest part of the application site receives 150% of the fee – this is unfair on the authority with the “smaller” part of the site where the proposal is still nonetheless significant.

The extra 50% should be due to the other planning authority to cover the work required.

**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.**

LBH urges the government consider setting fees that are regionally appropriate reflecting that there are higher costs in some parts of the county such as London. This would enable local authorities to better resource their development management services.

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

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

**Please give your reasons in the text box below.**

LBH consider that by having a nationally set fee, LPA's will have to justify variation in each case and therefore give more of a background to the fees set. Without some guidelines, there could be wildly varying fees between authorities without sufficient justification for the differences.

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

LBH support proposals to increase fees which extend beyond cost recovery. This will provide extra funds to cover other underfunded areas of planning. This is critically important given the financial pressures on local authorities and the need to be able to provide an efficient and effective planning service in line with the Government's aspirations.

**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?**

A 20% additional increase on cost recovery on all applications to cover those services outlined in Q97 below.

**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?**

- Planning Enforcement
- Monitoring of Planning Conditions on a more proactive basis
- Spatial Planning

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

Yes, LBH agree that authorities should be able to recover costs from the applicant when dealing with Development Consent Orders as these can be costly and resource intensive. LBH was recently involved in the Lower Thames Crossing DCO, at the time the biggest planning application in the country, and without the cost recovery arrangement that the Council had in place with the Applicant it would not have been possible to adequately support the examination process as a host local authority.

**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.**

LBH consider that it would be preferable to have PPA's as the costs associated with Consent Orders can vary depending on the nature of the proposal and impacts – so the fees should apply only where no PPA is in place.

Cost recovery for all officer time should be charged. The PPA the Council recently had in place with National Highways for the Lower Thames Crossing project enabled the Council to recover both fees for staff time as well as the costs for procuring external support to advise LBH on the project, which enabled the Council to adequately participate in the DCO proceedings. It is important that host local authorities are able to recover their costs incurred both in terms of staff time and external resources that are required. Similar arrangements should also be considered for those local authorities that are not host authorities but are likely to be significantly impacted by a DCO Application.

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

Given the extensive requirements placed on host local authorities such as preparing Local Impact Reports, LBH do not consider that any limitations should be in place.

**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.**

LBH has recently been involved in two Development Consent Order Applications, the M25/J28 Capacity Improvement scheme that was granted Consent in May 2022 and the Lower Thames Crossing project which a decision is expected on by 4th October this year. Despite the fact that LBH was a host local authority for both projects, a cost recovery agreement through a PPA was only in place for the Lower Thames Crossing scheme. The applicant for both schemes was National Highways, however they were not prepared to enter into a similar agreement with LBH for the M25/J28 Improvement scheme. Without a PPA in place for the M25/J28 DCO meant the Council were limited with the external support that could be utilised to support Havering through the DCO process.

A consistent approach needs to be applied to cost recovery agreements for all DCO projects and it should not be up to the applicant's discretion.

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

None

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

LBH supports the proposed transitional arrangements that local plans at regulation 19 stage one month after the revised framework is published continue to be assessed under the current NPPF, while those at earlier stages are assessed against the revised NPPF. LBH urges the government to set out a timeframe for the publication of the new NPPF to enable authorities to take this into account in their Local Plan programme.

LBH is currently progressing a Joint Waste Plan with neighbouring east London boroughs. We would welcome clarification that the transitional arrangements relating to the gap of 200 dwellings would not apply as the Waste Plan does not deal with housing.

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

LBH consider that the transitional arrangements are reasonable.

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

None

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

The proposed NPPF should be accompanied by a full Equalities Impact Assessment