



Submission from South East Councils

**Department for Levelling Up, Housing & Communities (DLUHC) consultation:
“*Levelling-up and Regeneration Bill: reforms to national planning policy*”**

“Planning is a critical element of local democracy to ensure councils support the delivery of communities in the eyes of local residents.

Councils need high quality, affordable, and appropriate homes and developments built in their areas.

This is clear from the latest *South East 1,000 Regional Monitor*, which found that a majority of all respondents support building new homes in their area (57%).

- All too often councils are framed as obstructors to housebuilding despite the inappropriateness of proposed development in their areas and the limited powers that councils actually have to incentivise what is needed most in their areas.

Planning is often a controversial subject. Nevertheless, this submission demonstrates that despite mixed viewpoints from a diverse region, there is an incredible amount of expertise from councillors of all parties, and groups, across the region to offer practical solutions to shared problems.

There is a need for greater clarity to ensure that areas of Green Belt, Areas of Natural Beauty, and National Parks are protected from excessive demands for overdevelopment.

- Blunt instruments like the standard methodology for housebuilding have, in the recent past, applied pressure to councils without fairly taking into account specific local circumstances.

Not every English region is the same. A broader strategic spatial vision from Government could go further in acknowledging that levelling up might look different in the South East than other regions.

- House prices, and the increasing cost of living, in the South East (and London) should be at the forefront of considerations when considering future development at the national level.
There simply is no one-size fits all approach.

I believe this submission provides many helpful insights from local councils to aid central Government in its reforms of national planning policy to ensure that, together, we all best deliver for local people.”

**Cllr Nicolas Heslop,
Chair, South East Councils**

2nd March 2023



1.0 Introduction

- 1.1 [South East Councils \(SEC\)](#) is a cross-party, membership association that works to ensure that the South East is a great place to live, work and do business. SEC promotes the views and interests of all tiers of local government across the South East and is recognised as an affiliate of the Local Government Association (LGA). With the majority of the seventy local authorities across the region as members, we seek to provide a unified democratic voice on South East interests.
- 1.2 Our [“Towards a Greater South East” \(TAGSE\) agenda](#) has five priorities: (1) efficient Transport to keep our region moving; (2) Affordable, decent Housing to grow sustainably; (3); Collaboration for a Smarter and Greener future; (4) Adequate Skills provision to compete successfully; and (5) Practical Devolution to empower our region.
- 1.3 SEC serves as the Secretariat for the [All-Party Parliamentary Group \(APPG\) for the South East](#), chaired by Sally-Ann Hart MP. Over the last year, the work of the APPG has focused on what levelling up should look like in the South East. The APPG published a report of its inquiry: [Financing the future – what does levelling up mean for South East England?](#) The APPG is currently running a second inquiry: [The South East and ‘Global Britain’: what role for transport infrastructure in underpinning Britain’s plan to trade and grow?](#)
- 1.4 Twice a year, SEC publishes the [South East 1,000](#) a biannual regional monitor. SEC partners with polling agency Savanta ComRes to produce a unique monitor of public, business and civic cohorts. It is the largest regular survey of councillor, business, and public opinion in the region. The [latest edition](#) was published in late 2022.
- 1.5 In March 2022, [“Resetting the South East – Levelling up after Brexit, Climate Change and COVID”](#), a SEC-commissioned report was published by think-tank Localis. It investigated the role of the South East in Levelling Up and what is necessary for its constituent local authorities to deliver – individually and collectively – on this multi-layered and ambitious set of environmental, economic, and social transformations.
- 1.6 In October 2022, SEC hosted [“Tomorrow’s South East” - Summit of the South East \(SOTSE\)](#), a conference in Westminster with *The MJ* as official media partner. The then Local Government Minister Paul Scully MP joined civic and business leaders to discuss levelling up, shared challenges and pressures and planning for growth.
- 1.7 The [Wider South East Dialogue](#) enables leaders of South East local authorities to connect with the Greater London Authority (GLA), London Councils, and the East of England Local Government Association (EELGA) to discuss matters of mutual interest and concern. In 2022, we co-hosted the [London and Wider South East Conference](#).
- 1.8 **SEC welcomes the opportunity to respond to the consultation on reforms to national planning policy. We acknowledge that this consultation seeks views on the Government’s proposed approach to updating to the National Planning Policy Framework (NPPF) and is also seeking views on the proposed approach to preparing National Development Management Policies (NDMPs).**



2.0 Executive Summary

- 2.1 **SEC members broadly emphasised support for the principle of plan-led placemaking.** However, they have mixed views on how exactly the Levelling-up and Regeneration Bill and proposed reforms to national planning policy will help to reach an ideal state of affairs.
- 2.2 **Scrapping the requirement for local planning authorities to continually demonstrate a deliverable five-year housing land supply was popular amongst member responses** – with restricting speculative development and freeing up officer resource a significant motivator.
- 2.3 **There was a feeling that local authorities are too often blamed for housebuilding factors outside their control.** Councils are involved in e.g. planning permission, but it is developers who have major control over, for example, the length of time it takes for residential developments to be finished.
- 2.4 **Members suggested practical solutions to delivering timely housebuilding** e.g. to counter land banking by developers, such as: applying Council Tax to permitted deliverable but incomplete homes, or the ability to withdraw planning permission where there is undue delay.
- 2.5 **Unlike councils that are required to provide a high burden of evidence to justify their proposals, the planning inspectorate appears to be able to make critical decisions on proposed developments based on mere conjecture with no specified evidence.**
- 2.6 **There was support amongst SEC respondents to take into account the past oversupply of homes** and a view that current guidance penalises local authorities who have overdelivered against their housing requirements and/or needs.
- 2.7 **What constitutes ‘exceptional circumstances’ for the use of alternative approaches to assessing local housing needs to be clearer.** Concern was expressed with the application of the standard methodology for housing numbers. SEC noted that in some areas such as parts of Surrey, using the method increased the housing requirement by up to 90% from base new housing formation numbers.
- 2.8 **The need for datasets to be updated was raised by members,** as the use of outdated data, such as generating household projections based on the 2014 sub-national projections, which fails to consider important demographic changes.
- 2.9 In respect of the standard methodology and how housebuilding requirements are set at large, some members argued there may be utility in Government considering planning in a broader strategic spatial sense, e.g. at the national level, to factor in the higher relative pressure on the South East and London. **It was felt that a broader spatial vision would better enable levelling up.**
- 2.10 **Clarity is needed on how the proposed policies would ensure unacceptable pressure will not be placed on local authorities to deliver excessive housing**



numbers – given reasonable scenarios such as high proportions of Green Belt land, Areas of Natural Beauty (AONB), and/or national parks in their area.

- 2.11 There are understandable differences of opinion between SEC members on some issues given the size and diversity of the region. **Issues with mixed responses include whether to remove the explicit requirement for plans to be “justified”**, on the basis of delivering a more proportionate approach to examination – as well as in respect of proposals on urban uplift.
- 2.12 **Members agreed that more weight should be given to Social Rent in planning policies and decisions** and made several practical suggestions. These included allowing local plans to demand higher proportions of social rent, making it easier for organisations that are not Registered Providers with appropriate incentives and safeguards.
- 2.13 **Doubt was cast by SEC members on how practical it would be to credibly judge the “past behaviour” of applicants** given the subjectivity of the matter; and Government must avoid policies to improve developer performance backfiring and inadvertently making problems worse, which could lead to e.g. developers being overly cautious with their proposed development timelines.
- 2.14 **On emphasizing beauty members broadly agreed to the principle.** It was felt that proposals could go further to include spaces between buildings; while a view was also held that other issues such as net zero commitments may be more important in some circumstances.
- 2.15 **There was agreement that further action to protect the natural environment is positive.** Suggestions included more ambitious methods of data collection and better factoring in environmental protections into planning legislation, such as requiring small scale nature interventions, as well as further action to improve water, sewage, and flood management infrastructure.
- 2.16 **National Development Management Policies (NDMPs) should be subject to challenge during the phase of their creation and also during any future amendments.** Another issue raised was that NDMPs must not prevent local authorities from justifying decisions outside of the NPPF where local circumstances deem it appropriate. Without these guarantees, there is a fear that NDMPs could mean excessive over-centralisation of planning policy.
- 2.17 **In respect of placemaking and levelling up, members suggested superior levels of brownfield build could be achieved with practical solutions such as fast-tracked planning services.** Members also acknowledged that reducing crime is an important part of levelling up and could be better factored into planning, such as going beyond street lighting to street design at large.
- 2.18 Although the South East is a diverse region of differing views and opinions on the subject of this consultation, there are several points of convergence and a wealth of expertise underpinning several practical suggestions to improve reforms to national planning policy in the context of the Levelling-up and Regeneration Bill.



3.0 Chapter 3: Providing certainty through local and neighbourhood plans

3.1 QUESTION 1. Do you agree that local planning authorities should not have to continually demonstrate a deliverable five year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?

3.2 Multiple members told us they would answer “yes”. Members emphasised that doing so would strengthen a plan-led planning process, be a step towards ending significant pressure from speculative development, and free up officer resources to spend on more important issues like keeping a local plan up to date.

3.3 A Berkshire Council told SEC that they believe there is strong support for removing the requirement to demonstrate a five-year housing land supply where the housing requirement set out in strategic policies is less than five years old. They said that this would provide certainty and clarity for decision makers and those submitting planning applications. They added it would also promote greater confidence in the “plan-led system” for local communities and significantly reduce the number of resource-intensive speculative housing appeals that local planning authorities (LPAs) have to deal with.

3.4 On the speculative development problem, an East Sussex District Council member explained that if a five-year review shows that a new plan is needed and the current plan is no longer considered “up to date” until a new one is produced, this effectively creates a gap “between plans”. In their experience, such gaps are then exploited by developers submitting speculative applications. The member noted that this is not yet widespread, however, predict that it is likely to affect many more places in future. The member suggested that this could be rectified by e.g., amending paragraph 33, to state that if a five-year review shows the need for a new local plan, the Government will regard the current adopted plan as “up to date” whilst the new one is prepared.

3.5 Wasted resource was raised repeatedly by members, with councillors raising the considerable draw of resources that must be spent as a result of the test to defend decisions rather than deliver projects and services.

3.6 Members also raised issue of double standards when comparing the ability of the planning inspectorate and councils themselves to make decisions. One member said that whilst they are required to provide considerable evidence for proposals, the planning inspectorate can reject proposals based on conjecture with no specific evidence.

3.7 An Oxfordshire District Council explained that removing the 5YHLS requirement would incentivise and strengthen plan-making and reduce wasted resource by putting an end to unnecessary debating at appeal.

3.8 A Berkshire Borough Council told SEC that when considered alone, their answer would be yes to removing the 5YHLS requirement. However, they emphasised a



broader point that principle of having any such test on local authorities across the UK, including the requirement to keep a housing requirement set out in strategic policies less than five years old, should be removed from planning policy at large.

3.9 **QUESTION 2. Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?**

3.10 Multiple Borough Council members told SEC that yes, the buffer should not be required as part of 5YHLS calculations because put simply, they are unnecessary.

3.11 Any such buffer introduces unnecessary complexity and demands on limited council resources that are already stretched to maximum with very little benefit.

3.12 **QUESTION 3. Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on? Or is there an alternative approach that is preferable?**

3.13 Members broadly answered yes to this question. Current guidance on the 5YHLS penalises local authorities who have over-delivered against their housing requirement/need.

3.14 One SEC member council told us they believe that the proposal to allow an oversupply of homes early in a plan period to be factored into later 5-year supply calculations is strongly supported and would remove the current disincentive for planning authorities to try and boost housing delivery if they would then be penalised for using up their land supply

3.15 An overemphasis on 5YHLS does not consider the both the cyclical nature of the housing market and the greater importance of meeting housing need over the full entire period of local plans

3.16 One member added that requiring local authorities who have over-delivered to provide even more housing opens up councils to speculative and unplanned applications, and yet more wasted resource.

3.17 Over-delivery was linked to an increased number of speculative applications in one Berkshire member's area because over supply reduced the availability of planning permissions that the deliverable land supply position was calculated from as a result.

3.18 **QUESTION 4. What should any planning guidance dealing with oversupply and undersupply say?**

3.19 Any such guidance should be clear, consistent and unequivocal.

3.20 One member told SEC that planning guidance should confirm that:



- Over supply can be taken into account when calculating the five-year housing land supply position, and that this applies where plans are both up-to-date and more than five years old.
- Over supply is the difference between the number of completions and the housing requirement set out in the local plan from the base date to the current time.
- Over supply is deducted from the housing need over the following five-year period.

3.21 **QUESTION 5. Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?**

3.22 SEC Members told us that they agree with the proposed changes to paragraph 14 that would remove housing land supply and delivery test requirements and incentivise the production of neighbourhood plans to bolster a plan-led system.

4.0 Chapter 4: Planning for housing

4.1 **QUESTION 6. Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?**

4.2 A SEC Borough Council in Berkshire told us that they support the proposed changes relating to paragraph 7, particularly the increased emphasis that would be given to the provision of supportive infrastructure.

4.3 Another SEC Member similarly agreed with changes relating to paragraph 1 and 7, adding that the term “sufficient” (housing and sustainability) as used in paragraph 1 might also be of use in paragraph 7.

4.4 One Borough council added that socio-economic needs should be carefully balanced with and should not automatically outweigh environmental protections.

4.5 **QUESTION 7. What are your views on the implications these changes may have on plan making and housing supply?**

4.6 It is often suggested that councils block the building of homes. However, what is less well considered is the appropriateness of proposed developments for local areas. The most recent South East 1,000 biannual regional monitor (Autumn 2022), interviewing councillors, businesses, and the general public across the region, found that a majority all respondents support building new homes in their area (57%) and in the South East (60%) (see Figure 1).



HOUSE BUILDING

Since the backlash to the Planning for the Future White Paper, South East Councils has been keen to probe views and attitudes towards building more houses. The Autumn 2020 Regional Monitor has found that:

- A majority of all respondents support building new homes in their area (57%) and in the South East (60%).
- It is clear that respondents do not favour housebuilding in rural areas (42%) or coastal areas (36%).

	TOTAL	AGREE 57%	DISAGREE 25%
Support building new homes in my local area	Public	56%	25%
	Businesses	58%	28%
	Councillors	60%	23%
	TOTAL	60%	23%
Support building new homes in South East England	Public	61%	20%
	Businesses	58%	26%
	Councillors	59%	28%
	TOTAL	27%	42%
New homes should be built in rural areas of the South East	Public	29%	37%
	Businesses	35%	39%
	Councillors	14%	58%
	TOTAL	32%	36%
New homes should be built along coastal areas of the South East	Public	34%	35%
	Businesses	33%	36%
	Councillors	28%	40%
	TOTAL	32%	36%

Figure 1 (above) – South East 1,000 (Autumn 2022)¹

- 4.6.1 We know that Councillors support the delivery of high-quality homes. The question has become how is it most appropriate to incentivise the delivery of these homes, what will such homes look like, and where should they be located.
- 4.6.2 A Surrey Borough Council and SEC member criticised the standard methodology. In parts of Surrey, using the standard method increases the required numbers by 90% from the base new housing formation numbers. Adding to that, the Government’s delay in using the 2021 census figures for calculating new housing projections has caused significant distortions in matching up with local need.
- 4.6.3 One Borough Council member told us that they support changes to bolster a planned system; adding the Government should take into account the “bigger picture” of housing delivery rather than arbitrary numerical targets.
- 4.6.4 Other members expressed a concern with proposals on housing need that could place unacceptable pressure on local authorities to deliver excessive numbers of housing given the high proportion of Green Belt land, Areas of Natural Beauty (AONB), and/or national parks in their area. Clarity would be welcomed on how proposed changes would take into account such constraints.
- 4.6.5 There is concern that in Districts where a large part of the area falls within a National Park, no allowance has been made when calculating the housing need for the District as a whole, when using the standard methodology. In the case of East Hampshire District Council, for example, 57% of the District is within the South Downs National Park Authority, therefore any calculation of housing need

¹ <https://www.secouncils.gov.uk/media/2022/11/South-East-1000-Doc-Autum-2022.pdf>



must take into account the restraint imposed by the Park boundaries, where only 43% of the District remains that is capable of absorbing the required numbers.

- 4.6.6 The broader perspective of immense pressure on the South East and London should be considered. One member emphasised the need for an overarching spatial vision that benefits the country as a whole by asking where development should be directed.
- 4.6.7 The commitment to review the implications on the standard method of new household projections moving towards the use of more recent data based on the 2021 census was welcomed by one member, given the important issue of outdated data imposed by central government on local government who are often acutely aware that data is no longer relevant to their area.
- 4.7 **QUESTION 8. Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?**
- 4.8 Multiple SEC Members told us that they agree with the intention to make the guidance clearer as to what would constitute exceptional circumstances.
- 4.9 In regard to the standard methodology and exceptional circumstances, when taken alongside the requirement to take, if necessary, any shortfall from adjoining authorities, it adds unacceptable pressure on greatly diminished areas, and has the potential to impact the character of rural areas. Restrictions, such as significantly high proportions of Green Belt, AONB and national parks should be treated as an exceptional circumstance, which could be made clearer.
- 4.10 **QUESTION 9. Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?**
- 4.10.1 There is broad support among councils in the South East to protect the Green Belt.
- 4.10.2 One member told SEC that yes, adding that they support the intention to take density into account when determining whether housing need can be met in full.
- 4.10.3 However, another member told SEC their answer would be no – explaining that they do not believe the current proposals adequately protect Green Belt land because wider proposals will place excessive pressure on councils to deliver housing numbers beyond what is feasible without using Green Belt land.



4.11 **QUESTION 10. Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out-of-character with the existing area?**

4.11.1 One member told SEC that they would urge the Government not to overcomplicate evidence requirements – particularly given that local authorities already prepare Housing and Economic Land Availability Assessments. They added that the process would need to articulate an evidenced case as to why higher densities would not be suitable.

4.11.2 Another member told SEC that any such evidence would need to be appropriate and reasonable, for example, by factoring in local design codes and advice on appropriate densities.

4.12 **QUESTION 11. Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?**

4.12.1 There was a mixed response from SEC members.

4.12.2 One member council told us they agreed with removing the requirement because the current costs of preparing a local plan are significantly inflated by the need to consider such a large amount of alternatives in detail. Removing this requirement will therefore allow a much more focussed effort, whilst remaining evidenced and sufficiently consulted.

4.12.3 However, for example, another SEC member told us that they are unsure as to whether removing the requirement will achieve its aims. Although the requirement clearly puts greater resource strain on councils by requiring it to consider alternatives, there may be some benefit in terms of outcome as a result of such consideration. The council suggested a middle ground option could be to make the requirement leaner by reducing the number of alternatives required for consideration to be considered credible – as well as clarifying what is meant by a reasonable alternative.

4.13 **QUESTION 12. Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?**

4.13.1 SEC received mixed views from its members. Whilst some agree with what is proposed, others, such as a Berkshire Borough Council, answered no on the basis that the revised tests of soundness should be applied from the adoption of the amended NPPF without delay to avoid unnecessary spend.



- 4.14 **QUESTION 13. Do you agree that we should make a change to the Framework on the application of the urban uplift?**
- 4.14.1 Some SEC Members told us that they would like additional clarity on what this change would mean in terms of urban areas meeting their own needs – and not exporting to surrounding local authorities.
- 4.14.2 An Oxfordshire councillor told SEC their answer would be “yes” – because of the better access to facilities and shorter journey times for residents. However, they added that they see little point in trying to “cram” more people into already dense areas – and believe it appropriate that the Duty to Cooperate is being removed to prevent urban areas “dictating” to surrounding rural areas on taking large housing numbers.
- 4.15 **QUESTION 14. What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?**
- 4.15.1 One SEC Member said they would encourage a greater look at funding support particularly in light of the inevitable need for investment given the proposed densification of urban areas.
- 4.15.2 We were told by a Member that they would appreciate further guidance to support NPPF provisions in regard to the use of airspace above residential and commercial properties, with examples of best practice.
- 4.16 **QUESTION 15. How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?**
- 4.16.1 Multiple District/Borough Council SEC Members with substantial rural areas told us that they do not believe policy should assume that neighbouring local authorities should have to accommodate housing need if nearby urban areas do not meet their housing needs.
- 4.16.2 One member added that urban areas should be encouraged to be “creative” in meeting the need in full.
- 4.16.3 Another said that the proposals on urban uplift “effectively exports” housebuilding to neighbouring authorities, which they are not in agreement with.
- 4.17 **QUESTION 16. Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply?**
- 4.17.1 There are mixed views amongst our Members.



- 4.17.2 For example, one council told us yes as doing so would reduce pressure in terms of demonstrating a 5YHLS.
- 4.17.3 Another, for example, answered no. They suggested that that plans at a Reg18 stage should be required to maintain a four-year land supply. On the other hand, for those at a Reg19 stage the requirement should be 3 years to better reflect the more advanced position.
- 4.18 **QUESTION 17. Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?**
- 4.18.1 Multiple SEC Members told us “yes”.
- 4.19 **QUESTION 18. Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?**
- 4.19.1 Multiple SEC Members told us “yes”. One emphasised the importance of local authorities being judged on actions within their control, such as the granting of planning permission, instead of being punished for housing delivery factors outside their control. Another added that the proposal seems appropriate given that the timing of house delivery is generally with developers, not councils.
- 4.20 **QUESTION 19. Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?**
- 4.20.1 There are mixed views amongst SEC Members. Whilst a member told us “yes”, another answered “no”. The latter was on the basis that analysis in the consultation document (claiming that 15% of applications or permissions are not progressed or are revised) does not reflect the reality for all local authorities and therefore should not be applied across the board.
- 4.21 **QUESTION 20. Do you have views on a robust method for counting deliverable homes permissioned for these purposes?**
- 4.21.1 One SEC Member suggested that given LPAs record residential permissions granted on an annual basis as part of their monitoring reports, perhaps such permissions could be entered into a central database. They added that financial penalties such as applying Council Tax to permitted deliverable homes failing to come forward without good reason could provide both an incentive and a method to count deliverable homes.
- 4.21.2 Another member shared concern with a perceived inconsistency between the phrasing of this question and proposed NPPF amendments. The question refers to “deliverable” whereas amendments to the NPPF mention “permission”.



4.21.3 A member proposed that a simple method to count deliverable homes would be to count the number of dwellings capable of being delivered per site with planning permission.

4.22 **QUESTION 21. What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?**

4.22.1 One SEC Member suggested suspending or freezing any consequences arising from the 2022 test and instead to defer to the 2021 test. Concerned local authorities could be given the chance to identify why the 2021 test may not be appropriate.

5.0 Chapter 5: A planning system for communities

5.1 **QUESTION 22. Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions?**

5.1.1 Multiple SEC Members told us “yes” on the basis that social rented housing is the most affordable form of housing hence it should be strongly supported in national planning policies.

5.1.2 An Oxfordshire Councillor added that more social affordable housing is important for the “overheated South East” with higher average housing costs compared to the rest of the country. They noted however, that once attractive council houses in the region have been sold into the private sector without replacement, which should be addressed. One solution proposed was to allow local plans to demand higher proportions of social housing (e.g. 50%) including on small developments, which would require modifying paragraph 63.

5.2 **QUESTION 23. Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people’s housing?**

5.2.1 Multiple SEC members told us “yes” and added that proposals could go further by greater reference to accessible/adaptable homes to specifically accommodate for older people and those with disabilities.

5.2.2 One Borough council emphasised that guidance in the Planning Practice guide must be updated to ensure that national models factor in local characteristic, such as the relative health and wealth of local populations.

5.2.3 One Councillor spoke to SEC on the importance of housing older people in appropriate locations where desired, such as near facilities like shops, libraries, GPs, and pubs, rather than in small villages with few facilities within a close distance.



- 5.3 **QUESTION 24. Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?**
- 5.3.1 Multiple SEC members told us that they agree with the principle of encouraging the delivery of smaller housing sites; however one Borough Council member said their belief is that the 10% requirement adds unnecessary complexity to the evidence base required to support local plan processes.
- 5.3.2 One Councillor told SEC that they believe this would work acceptably if the numbers are given to Neighbourhood Plan areas to allocate.
- 5.4 **QUESTION 25. How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?**
- 5.4.1 A District member suggested to SEC that one option would be to apply the presumption in favour of development to smaller housing sites (such as less than 10 units) provided that the proportion of affordable homes provided achieves a certain minimum percentage (e.g. at least 75%).
- 5.4.2 A Borough member suggested that criterion d) in paragraph 69 of the NPPF could be amended to require developers of large sites to sub-divide them into small parcels for sale to other developers, including SMEs.
- 5.5 **QUESTION 26. Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and alms-houses – to develop new affordable homes?**
- 5.6 Multiple SEC members told us their response is “yes”. One District member said that it is important the definition does not restrict particular organisations from developing new affordable homes. A Borough member added that care should be taken to ensure that community organisations are appropriately regulated to ensure security of tenure and safety for residents.
- 5.7 **QUESTION 27. Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?**
- 5.7.1 A District SEC member suggested clarifying the passage: “Local planning authorities should support the development of entry-level exception sites” in paragraph 72 of the NPPF, which could be stronger e.g. rephrased as a requirement.
- 5.7.2 One SEC councillor suggested allowing a modest proportion (e.g. less than 51%) be market housing to make the scheme viable and provide mixed developments.



5.8 **QUESTION 28. Is there anything else that you think would help community groups in delivering affordable housing on exception sites?**

5.8.1 As mentioned in Q27, it could be made a more specific policy requirement.

5.9 **QUESTION 29. Is there anything else national planning policy could do to support community-led developments?**

5.9.1 Improving incentives, such as reduced planning fees/commitments.

5.9.2 One councillor told us that in their experience community-led developments have struggled with excessive bureaucracy, which could be reduced.

5.10 **QUESTION 30. Do you agree in principle that an applicant's past behaviour should be taken into account into decision making? If yes, what past behaviour should be in scope?**

5.10.1 There are mixed views amongst SEC members – but a broad sense that it would be difficult to define “past behaviour”.

5.10.2 A District member told us “no” because such a judgement would be “subjective” and not linked to the merits of a proposal and could be easily circumvented e.g. with partners, contractors, or a holding company.

5.10.3 One Councillor told us “yes” for undue delays, poor quality building, and non-adherence to conditions.

5.10.4 One Borough member told us “yes” – such as where enforcement action has been upheld on appeal and in the courts.

5.11 **QUESTION 31. Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?**

5.11.1 There are mixed views amongst SEC Members. One District disagreed with either of the proposed options. Another member council shared doubt with whether either could be successfully implemented.

5.11.2 A SEC Councillor said that the idea of making developers re-apply for planning permission for sections of uncompleted sites within an agreed timescale is appealing.

5.12 **QUESTION 32. Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?**

5.12.1 Multiple SEC members cast doubt on whether the potential effectiveness of the three measures proposed in the consultation document. One Borough expressed



a concern that forcing developers to set out delivery trajectories may result in overly cautious and lengthy timelines.

5.12.2 A District member added their support for the intention to consult on financial penalties, such as a requirement to pay Council Tax on unbuilt deliverable units. Another powerful tool, they suggested, would be to be able to remove planning permission where there is undue delay.

5.12.3 A Councillor told SEC that they believe 25b) looks like a sensible suggestion.

6.0 Chapter 6: Asking for Beauty

6.1 **QUESTION 33. Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?**

6.1.1 Mixed views were expressed by SEC members.

6.1.2 One member council answered “yes” because beauty is important, however, added that beauty is equally relevant to spaces between buildings. Paragraph 92 of the NPPF refers to “beautiful buildings”, which may not include these spaces.

6.1.3 Another member council stated that “beauty” is too vague a term – adding that some view other issues like net zero builds to address the climate emergency as potentially more important.

6.1.4 Another member council told SEC that in their view there remains a significant disconnect between the Government’s stated objectives of creating beautiful and sustainable places, and developments that take place under expanded permitted development rights. They gave the example of the ability to convert a business unit at the back end of a trading estate, distant from any facilities, to residential use without the need for planning permission or the ability to raise CIL to secure mitigation for its impacts. They added that this practice continues to undermine the credibility of the Government’s place-making objectives particularly in connection with delivering beautiful sustainable places.

6.2 **QUESTION 34. Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word ‘beautiful’ when referring to ‘well-designed places’ to further encourage well-designed and beautiful development?**

6.2.1 See responses to Q33.

6.3 **QUESTION 35. Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?**

6.3.1 There were mixed views from SEC members.



- 6.3.2 One District answered “no” on the basis that this should form part of the local design code.
- 6.3.3 One Borough answered “yes” but pointed out the proposal could be clarified given that most planning applications already submit plans including details of materials.
- 6.3.4 A SEC councillor told us “yes” – but added that the enforcement system needs revising because it is currently often ignored.
- 6.4 **QUESTION 36. Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?**
- 6.4.1 Multiple SEC members told us “no” and stated such a decision should be for the local authority.

7.0 Chapter 7: Protecting the environment and tackling climate change

- 7.1 **QUESTION 37. How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?**
- 7.1.1 A District told SEC that national policy should be designed to maximise nature recovery with guidance being able to suggest sustainable materials.
- 7.1.2 One member told SEC that policy should be revised to incorporate small scale nature interventions such as bat and bird boxes in every new residential and commercial building as required.
- 7.1.3 A SEC councillor suggested banning the use of plastic grass in new residential and business developments. They added connectivity between sites with good biodiversity could be paid greater attention for biodiversity net gain, e.g. waterway corridors.
- 7.2 **QUESTION 38. Do you agree that this is the right approach to making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?**
- 7.2.1 One member suggested national policy should attempt to minimise GHG emissions from food production whilst maximising carbon sequestration and nature recovery.



- 7.2.2 Another answered “no” on the basis that the proposed amendment does not provide sufficient direction and may discourage landowners from actively pursuing food production before submitting planning applications.
- 7.3 **QUESTION 39. What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?**
- 7.3.1 One SEC member council suggested Whole Life Carbon (WLC) analysis to best consider a projects impact over its lifespan.
- 7.3.2 Another said they welcome the decision to allow local authorities to set their own standards. However, they added that they would strongly encourage the Government to introduce ambitious building regulations striving towards net zero development.
- 7.4 **QUESTION 40. Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?**
- 7.4.1 A District council told SEC that climate adaption policy must address flood risk in particular, such as by mandating new developments to manage surface water and pollution.
- 7.4.2 A Borough told us that the Planning Practice Guide could be amended to allow local authorities to exceed the optional standards for water efficiency.
- 7.4.3 A SEC councillor told us that new developments could be encouraged to be built with south facing roofs where possible and insist on the use of solar panels. They added that a greater emphasis on safe off-road wheeling and walking routes would add both environmental and health benefits to local populations.

8.0 Chapter 8: Onshore wind and energy efficiency

- 8.1 **QUESTION 41. Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?**
- 8.1.1 Multiple SEC members told us “yes”.
- 8.2 **QUESTION 42. Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?**
- 8.2.1 Multiple SEC members told us “yes”.
- 8.3 **QUESTION 43. Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Please set out the reasons for your answer, including any views on specific wording changes**



to existing footnote 54. Do you have any views on specific wording for new footnote 62?

- 8.3.1 Multiple SEC members told us “no”. One Borough Council said greater clarity is needed on how judging whether there is community support for such projects will be implemented.
- 8.4 **QUESTION 44. Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?**
- 8.4.1 One District Council told us that whilst they agree in principle for national policy to promote retrofitting to help achieve net zero ambitions – they are concerned that the proposed wording for paragraph 161 to “take into account” chapter 16 policies are not strong enough.
- 8.4.2 A Borough Council member told SEC “no” – because whilst they again support the principle of promoting net zero efforts, the proposed change to paragraph 161 fails to acknowledge improvements to the fabric of a building. The text refers only to the installation of heat pumps and solar panels.

9.0 Chapter 9: Preparing for the new system of plan-making

- 9.1 **QUESTION 45. Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?**
- 9.1.1 SEC was told by one District Council that “yes” it should provide sufficient time – however they raised doubt that all examinations will be able to be concluded and adopted by December 2026 and suggested extenuating circumstances should be able to be considered.
- 9.2 **QUESTION 46. Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?**
- 9.2.1 Whilst SEC was told by members that they do feel it is appropriate, it was also raised that as it is dependent on the progress of the Levelling-up and Regeneration Bill, delays or changes to the Bill may require the timetable to be reconsidered.
- 9.3 **QUESTION 47. Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?**
- 9.3.1 Similarly to our answer to Q46, SEC was told “yes” with one member adding that a specific date requirement could be added as in the case of local plans. The issue



of this being contingent on the Levelling-up and Regeneration Bill was again raised.

9.4 **QUESTION 48. Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?**

9.4.1 Multiple SEC members told us they feel that supplementary planning documents (SPDs) play a valuable role in the planning system – and would disagree or at least have reservations about them being removed.

9.4.2 One Borough council suggested SPDs be retained for 18-24 months following the adoption of a new local plan to maintain some level of reliable guidance to deliver high quality places.

10.0 Chapter 10: National Development Management Policies

10.1 **QUESTION 49. Do you agree with the suggested scope and principles for guiding National Development Management Policies?**

10.1.1 Multiple SEC members told us “yes” they do agree. However, members told us that national policies must not be able to be changed at short notice with insufficient consultation – which could cause too much uncertainty.

10.1.2 Another added that their agreement was with a sense of caution, because NDMPs must not only be subject to challenge through consultation during their creation but also for all future amendments. The consequence of not allowing this would be excessive centralisation of planning policy.

10.2 **QUESTION 50. What other principles, if any, do you believe should inform the scope of National Development Management Policies?**

10.2.1 SEC was told by members that policies must be enforceable, precise and unambiguous in order to avoid complications given their use as the basis for conditional planning permission.

10.2.2 Another member told SEC it is essential that local authorities are able to justify decision-making outside of the NPPF where local circumstances make it appropriate.

10.2.3 A member Councillor told us that more “joined up thinking” should be more prevalent in respect of utilities provision, such as energy generation, broadband availability and waterways.

10.3 **QUESTION 51. Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?**



10.3.1 Multiple SEC members told us “yes”.

10.4 **QUESTION 52. Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?**

10.4.1 SEC was told by one member council that the protection of community facilities and pollution could be better considered.

10.4.2 Another member told us that renewable energy provision, water/flood protection infrastructure, heritage assets, biodiversity, Green Belt, and town centre diversity could all be given greater consideration.

11.0 Chapter 11: Enabling Levelling Up

11.1 **QUESTION 53. What, if any, planning policies do you think could be included in a new Framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?**

11.1.1 Multiple members raised issue with the lack of a broader spatial lens for plan-making.

11.1.2 One member Borough Council said that the Government should take steps towards a broader spatial lens in respect of where to direct development at a national level given the disproportionate pressure on the South East and London.

11.1.3 A Berkshire council also told SEC that they support the proposal to remove the Duty to Cooperate as it was not an effective means of achieving strategic spatial planning. However, they added that levelling up and growth in the country are likely to be hindered by the lack of any meaningful way to conduct spatial planning at any level above planning authorities.

11.1.4 SEC was told by members that policies could be included to address issues including public transport provision, rural connectivity, skills, and healthy place shaping.

11.2 **QUESTION 54. How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?**

11.2.1 A Berkshire council told SEC that in their view there is a disconnect between the Government’s growth ambitions and the wording of national policy and guidance. They explained that policy and guidance needs to be established for each component of employment use. However, this requirement no longer fits with the recent changes to the Use Classes Order, particularly for offices, which no longer



fall into their own use class and can change to other “Class E” uses without the need for planning permission.

11.2.2 The council followed saying that in order to support growth and enable businesses across the country to respond rapidly to market needs, it would be preferable to require LPAs to establish an overall “economic need” aiming to address the specific needs of local economies. They added that increased flexibility should also be built into the Framework and associated guidance to ensure that the Government’s aspirations for growth are met.

11.2.3 Another member suggested incentivising or requiring stronger links between local plans and local investment plans or industrial strategies.

11.2.4 Strengthening regional planning was also raised with SEC.

11.2.5 One Borough Council told SEC that if the framework successfully removed the reliance on the South East and London this could ease pressure on the region whilst benefiting every part of the country. They noted that the National Planning Framework for Scotland includes a national distribution of housing and suggested this could be similarly considered to add a valuable strategic spatial element.

11.3 **QUESTION 55. Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?**

11.3.1 Multiple members “yes” told SEC. One suggested the provision of incentives such as a fast-tracked planning service. Another said they would encourage the consideration of greater funding support for the densification of areas.

11.4 **QUESTION 56. Do you think that the government should bring forward proposals to update the Framework as part of next year’s wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?**

11.4.1 Our members agreed that addressing crime and safety are important elements of placemaking. They added that safety is important for all groups including but not limited to women, such as elderly and people affected by disability. One member also added that in addition to street lighting, street patterns and design, building orientation, natural surveillance, and mixed-use approaches are all important factors, not just street lighting.

12.0 Chapter 13: Practical changes and next steps

12.1 **QUESTION 57. Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?**



12.1.1 One SEC member proposed looking into the numerous examples of local authorities producing high quality accessible and interactive online planning material.

12.2 **QUESTION 58.** We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

12.2.1 We do not have any comment to make on this matter.

FURTHER INFORMATION

Harry Cavill

Policy Manager

South East Councils

communications@secouncils.gov.uk