

Response ID ANON-SNQ4-R576-T

Submitted to Proposed reforms to the National Planning Policy Framework and other changes to the planning system
Submitted on 2024-09-24 17:21:36

Scope of consultation

Respondent details

a What is your name?

Name:
Ian Moodie

b What is your email address?

Email:
ian.moodie@ada.org.uk

c What is your organisation?

Organisation:
ADA (Association of Drainage Authorities)

d What type of organisation are you representing?

Professional body

If you answered "other", please provide further details:
Membership body for flood risk management authorities in the UK

Chapter 1 – Introduction

Chapter 2 – Policy objectives

Chapter 3 – Planning for the homes we need

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

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer if you believe a different % buffer should be used:

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

Not Answered

Please explain your answer:

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

Yes

Please explain your answer:

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

Not Answered

Please explain your answer:

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

Please provide any other suggestions relating to the proposals in this chapter. :

Chapter 4 – A new Standard Method for assessing housing needs

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?

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Please provide any additional comments on the proposed method for assessing housing needs.:

Chapter 5 – Brownfield, grey belt and the Green Belt

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

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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?

Please provide any further views:

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

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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?

Yes and it should be contained within the NPPF

Please explain your answer:

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?

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Not Answered

If not, what changes would you recommend?:

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?

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Please explain your answer:

ADA would welcome consideration as to how such nature benefits could further enhance and integrate measures to further reduce flood risk beyond those required by the NPPF and PPG.

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?

Not Answered

Please explain your answer:

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

Please explain your answer:

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?

Not Answered

Please explain your answer:

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?

Please explain your views on this approach:

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?

Not Answered

Please explain your answer, including what support you consider local authorities would require to use late-stage viability reviews effectively:

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?

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

Chapter 6 – Delivering affordable, well-designed homes and places

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?

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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

Not Answered

Please provide any further comments:

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

Not Answered

Please explain your answer:

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

Please explain your answer:

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?

Please explain your answer:

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

Please explain your answer:

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

Not Answered

Please explain your answer:

56 Do you agree with these changes?

Not Answered

Please explain your answer:

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?

Not Answered

If Yes, what changes would you recommend?:

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?

Not Answered

Please explain your answer :

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?

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

Chapter 7 – Building infrastructure to grow the economy

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

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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?

Not Answered

If Yes, what would be an appropriate scale? :

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

Not Answered

Please explain your answer:

Chapter 8 – Delivering community needs

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

Yes

Please explain your answer:

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

Yes

Please explain your answer:

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

Yes

Please explain your answer:

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

Please explain your answer:

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

Not Answered

Please explain your answer:

Chapter 9 – Supporting green energy and the environment

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

Yes

Please explain your answer:

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

Yes

Please explain your answer:

74 Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Yes

Please explain your answer:

We think that developments that impact upon lowland water level management need to be considered carefully, based on their merits and impacts. For lowland peat soils this means ensuring that the knowledge and expertise of internal drainage boards are properly considered within the planning process. Please see our comments to question 80.

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?

Not Answered

Please explain your answer:

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?

Not Answered

Please explain your answer:

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

Please explain your answer:

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

Please explain your answer:

ADA would welcome measures within the NPPF to support renewable energy deployment where these directly benefit local communities and local authorities. For instance the opportunity to better utilise the 600 electrically powered pumping station sites operated by IDBs in England to incorporate renewable energy generation on site. Given that energy costs are a significant factor in these organisations' operational costs this could both help reduce costs for their services to the local community.

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?

Please explain your answer:

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

Yes

Please explain your answer:

Specifically in relation to the NPPF, ADA proposes that 'and internal drainage boards' should be added to paragraph 175(a) in addition to the existing requirement for advice on SuDS from LLFAs. It is important that sustainable drainage systems for a major development should take account of advice from the relevant Internal Drainage Board where such a development is within an internal drainage district. IDBs will hold specific and specialised knowledge and experience related to lowland water level management within their districts and so their input would be highly beneficial. This is especially important within lowland pumped catchments such as the Fens.

More widely, internal drainage board and lead local flood authority members of ADA have highlighted the following areas for further consideration of flood risk in relation to planning and development:

1. A requirement for consents under the Land Drainage Act 1991 to be agreed with the relevant Risk Management Authority prior to Outline/Hybrid planning permission. There are concerns that IDBs/LLFA floods teams may not be further consulted or made aware of planning matters that receive Outline or Hybrid Planning Approval, even where they have highlighted concerns regarding flood risk management at that earlier stage in the planning process. This can result in flood risk impacts from new development not being sufficiently considered at later stages in the process, or planning decisions taken that act contrary to the Land Drainage Act 1991.
2. Support for the implementation of Schedule 3 of the Flood & Water Management Act 2010 with adequate support and guidance for LLFAs and other

RMA's;

3. Investigate the means by which IDBs can be routinely consulted by planning authorities about new development within their drainage districts. The mechanism to achieving this could include, but not be limited to, IDBs being named as statutory consultees. Many IDBs have the capacity and skills to be made statutory consultees, but some are smaller bodies. Could statutory consultee status be aligned with an IDB meeting sufficient capacity or skills?
4. Concerns were raised that flood risk is not sufficiently understood or recognised as a Material Planning Consideration by planning authorities. It is felt that stronger guidance and advice is needed for planning authorities in this area.
5. A need to strengthen guidance to prevent raising of land within the functional floodplain.
6. Permitted developments in rural areas are supported. However, particular those for agricultural buildings, there is a need to ensure that those undertaking permitted developments are better informed about the requirement for consents under the Land Drainage Act 1991 prior to works.

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

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

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?

Yes

Please explain your answer:

Increasing the design standard for the repair/replacement of the public sewerage system to prevent surcharge and flooding in excess of 3.33% Annual Exceedance Probability (AEP).

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?

Yes

Please explain your answer:

ADA would recommend an amendment to remove the existing exemptions that water companies receive from risk management authorities regulatory and bylaw powers under the Land Drainage Act 1991 and the Flood & Water Management Act 2010. ADA considers that these savings are outdated and their removal would help reduce the environmental impact to ordinary watercourses and the downstream river network from outfalls from water treatment facilities within lowland areas in England.

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

Not Answered

Please explain your answer:

Chapter 10 – Changes to local plan intervention criteria

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

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

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

Not Answered

Please explain your answer:

90 If you answered No to question 89, 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.

Not Answered

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

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?

Not Answered

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

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.

Not Answered

Please explain your answer:

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.

Not Answered

Please explain your reasons and provide evidence on what you consider the correct fee should be:

94 Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?

Not Answered

Please explain your answer:

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

Not Answered

Please give your reasons in the text box below:

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

Not Answered

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? :

97 What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

Please explain your answer:

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?

Not Answered

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.

Please explain your answer:

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

Please explain your answer:

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.

Please explain your answer :

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

Not Answered

Please explain your answer.:

Chapter 12 – The future of planning policy and plan making

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

Not Answered

Please explain your answer:

104 Do you agree with the proposed transitional arrangements?

Not Answered

Please explain your answer:

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

Not Answered

Please explain your answer:

Chapter 13 – Public Sector Equality Duty

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?

Please explain your answer:

Chapter 14 – Table of questions

Chapter 15 – About this consultation