

**Proposed reforms to the National Planning Policy Framework and other changes to the planning system –
Consultation Response on behalf of London Borough of Richmond-upon-Thames**

24th September 2024

No.	Question	Response
1	Do you agree that we should reverse the December 2023 changes made to paragraph 61?	<p>The Council supports the Government’s intention to address the housing crisis by significantly increasing the delivery of new housing across the country.</p> <p>For this reason, the Council supports the principle of reinstating the previous wording to Paragraph 61, in essence to make clear that authorities should always aim to meet their housing needs in full, and not just a portion of those needs, on the basis of the additional clarity this reinstatement provides. However, the Council considers it important that the word ‘aim’ is emphasised, to recognise that some authorities will legitimately be unable to meet their full needs, e.g. due to environmental constraints or insufficient developable land. The emphasis should be that authorities should prepare their plans with the intention to meet their needs, and where those housing needs cannot be fully met, as evidenced through the plan-making process, authorities should provide clear justification as to the reasons for this.</p> <p>In this context, the Council strongly supports the London Plan capacity-based approach to establishing borough-level housing targets, which it considers provides a clear, evidence-led approach to addressing housing needs by setting ambitious but realistic targets for individual authorities that reflect constraints and land availability. Such an approach could be expanded to wider geographies as part of the Government’s commitment to strengthening and expanding strategic planning to other areas, and would help reconcile any ‘mismatches’ between areas with the highest housing needs and the areas with the greatest opportunities for new housing.</p>
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?	<p>The Council would support the proposal to remove references to alternative approaches to assessing housing need insofar as doing so would remove unhelpful ambiguity over the approach that should be taken to establishing local housing needs, which, in the main, is considered to be a distraction from the overall ambition of the planning system to deliver housing at scale.</p> <p>It is an important point of emphasis to note that the original wording did not, and would not, preclude authorities setting housing requirements that differ from those needs where justified, including through the longstanding capacity-led approach to establishing housing targets in London.</p>
3	Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?	<p>The Council supports the reversal of the December 2023 changes to Paragraph 62 to remove the urban uplift. As raised in the Council’s response to the consultation which preceded the December 2023 changes, the urban uplift was fundamentally flawed, in that it was an arbitrary and</p>

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		<p>unevidenced component of the housing need methodology which sought to distort the distribution of housing nationally by placing the burden for solving the national housing crisis uniquely on the twenty largest urban areas, whilst obviating responsibility from other areas, including a number of large sustainable cities and towns.</p> <p>The largest urban areas, including London, have a very important role to play in delivering the housing the country needs. However, Richmond borough has significant land constraints, with two-thirds of the borough being protected by open land designations, large swathes of protected parks, high quantum of open space designations and conservation areas, including Metropolitan Open Land, which alone amounts to 52% of the borough's land area) and Green Belt. As a consequence, an updated housing need calculation, coupled with the forthcoming London Plan review, are the appropriate mechanism for setting ambitious but achievable housing targets for Richmond and other London boroughs. To ensure that the starting point is more robust, the Council strongly supports the removal of any arbitrary and unevidenced adjustments such as the urban uplift.</p>
4	Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?	<p>The Council supports the principle of reversing the December 2023 changes to Paragraph 130 which may have provided some authorities with an ability to artificially prevent appropriate development on the basis of it increasing density without the need to evidence genuine harm. Whilst almost all development in Richmond borough takes place on previously developed land, by its very nature, development (particularly on a larger scale) is likely to change the character of an area. It is however important to focus on urban design processes and good urban design principles. The lack of clarity on what 'wholly out-of-character' meant in practice casts uncertainty over site allocations for major developments, and can lead to decisions becoming subjective rather than relying on clear evidence, which can slow decision making.</p> <p>Nevertheless, it remains the case that some sites will be more or less appropriate for high density forms of development, and high density developments in certain areas will risk causing demonstrable harm to places, including heritage assets. To mediate between these issues, the Council would support – as it set out in its response to the consultation preceding the December 2023 changes to the NPPF – an approach which encourages and facilitates a design-led approach to plan-making. The Council's adopted Local Plan takes a design-led approach, informed by an Urban Design Study, which facilitates housing delivery whilst ensuring that development comes forward in a spatial pattern which respects and enhances the different characteristics of local neighbourhoods. Urban Design Studies can assess the capacity for growth, by assessing the sensitivity of character areas, establishing high sensitivity areas that are less likely to have capacity for large scale</p>

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		<p>development without significant adverse effects on the townscape (such as heritage assets), alongside areas of medium and low sensitivity, which may have more potential for targeted or larger scale growth. This approach can then feed into potential site allocations and the associated densities which could be acceptable. This approach focuses on an evidence based approach, rather than a blanket approach to expected density and capacity.</p>
5	<p>Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?</p>	<p>The Council considers that there could be value in focusing design codes on areas with the greatest expected change, or areas with the greatest challenges in terms of competing policy objectives.</p> <p>This need not necessarily come at the expense of authority-wide codes in the sense that local authorities could be encouraged to focus design codes on where they would be most effective whilst maintaining the legislative ability to progress with codes at any scale and level of detail that they consider appropriate. However, the key challenge with the roll-out of design coding will continue to be the availability of resource and specialist knowledge needed to progress them. Whilst a refocusing of design coding would forego some of the opportunities they present, it may provide an opportunity for design codes to be produced to a higher standard as there would be a key focus for their use and application, with a more balanced and realisable policy ambition, reflecting the limited availability of resource and specialist knowledge, meaning the production of design codes in a more focussed area is likely to be more achievable for smaller Councils such as Richmond.</p>
6	<p>Do you agree that the presumption in favour of sustainable development should be amended as proposed?</p>	<p>The proposed amendment to clarify it is only those policies which relate to the supply of land which have to be out of date to engage Paragraph 11 of the NPPF is considered to be a useful clarification and is supported in principle.</p> <p>The Council is also encouraged by the wording included within the consultation document which specifically refers to protections against the abuse of the presumption in favour of sustainable development by some developers to bring forward “low-quality unsustainable development.” The Council would encourage the Government to consider ways in which this sentiment can be enshrined within the presumption wording. The current suggested changes go some way towards doing this, but stop short of explicitly stating that all other policy requirements will need to be met in full. In Richmond, this is especially relevant to affordable housing requirements which should not be impacted by a challenging 5 year housing land supply, lack of up to date development plan, or previous lower levels of housing completions, which are not reasons why especially policy requirements relating to affordable housing should be lessened.</p>
7	<p>Do you agree that all local planning authorities should be required to</p>	<p>The advantage of the wording as amended in the December 2023 version of the NPPF, specifically the removal of the</p>

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	continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?	<p>requirement to continually demonstrate a five year housing supply for authorities with Local Plans that are less than five years old, provided a genuine incentive to bringing forward a Local Plan and gave authorities which took a pro-active approach to delivering growth greater protections from unplanned development, which often may have been specifically discounted through that Local Plan process. The Council remains of the view that if a Plan has been produced within the last 5 years and found to be legally compliant and sound by an Independent Inspector at examination, with an agreed five year housing land supply at the time of adoption, it should be seen as a robust assessment of the housing requirement and ability to deliver for an area.</p> <p>This would have multiple benefits including, incentivising Councils to adopt Local Plans in a timely manner as there a clear demonstrable benefits, allowing authorities to focus resources on deciding applications on the basis of their merits, rather than the likelihood of an appeal relating to housing land supply which takes up a significant resource, and focusing resources on determining applications to deliver more housing in place of lengthy appeals on housing land supply.</p> <p>It is important to have an overall picture of supply which has been established over a number of years rather than focusing on temporary dips in the five-year supply. The Council is concerned that the proposed change could lead to situations where recently adopted Local Plans are almost immediately considered “out of date”, which could lead to a rise in unplanned development, which is widely known to be inferior, lower quality, and deliver against fewer policy objectives.</p>
8	Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?	<p>The Council considers there would be a significant benefit to considering previous oversupply, however, only if this was properly clarified within National Planning Policy Guidance. The ability to include previous oversupply would be especially relevant where wider impacts within the economy have impacted housing completions in recent years, and only considering the past 3 years of supply within the HDT and not considering any oversupply within the 5 year housing land supply, does not provide a clear representation of the level of housing and wider delivery within a Council area. In addition, Councils which have delivered well over the supply of homes in recent years, gain little benefit in the longer term. Councils that drive delivery with higher numbers of completions should see clear benefits to incentivise higher levels of delivery. This in turn would provide Councils with better tools to focus development to more sustainable locations, which can be done if Councils can evidence a good level of housing land supply, including components of previous oversupply.</p>
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?	<p>The Council understands the principle of including a buffer to ensure choice and competition in the market for land, including that this helps to ensure that the supply of housing in the area is more resilient in the event that one or more</p>

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		<p>strategic sites stall. Nevertheless, as stated in its response to the previous NPPF consultation, there is a degree to which inclusion of this buffer complicates housing supply calculations, particularly where housing requirements are already ambitious, and places an unreasonable amount of responsibility on local authorities to manage housing supply when build out is ultimately a commercial decision from developers. Buffers are also of significant concern to boroughs with limited development opportunities (e.g. open land constraints etc.), such as Richmond borough, and removing the buffer requirement would reduce the scope for such authorities being penalised for matters outside their control.</p>
10	<p>If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?</p>	<p>As above, the Council would support the removal of such buffers, or for the ability for it to be considered as an optional requirement. As a result, it would strongly oppose the imposition of a larger buffer. The use of a larger buffer would arbitrarily penalise local authorities to an even greater degree and hinder their ability to bring forward proactive Local Plans which address their genuine housing requirements, particularly where those housing requirements are already ambitious, or challenging due to high numbers of constraints within the Local Authority area such as Richmond.</p>
11	<p>Do you agree with the removal of policy on Annual Position Statements?</p>	<p>The Council supports the removal of Annual Position Statements in the sense that these provisions are not seen to be particularly additive to the system, as indicated by their lack of usage.</p>
12	<p>Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?</p>	<p>For as long as the Duty to Co-operate remains a requirement within the current plan-making system, the Council supports the principle of the NPPF being amended to more clearly set out how collaboration between strategic planning authorities should take place. London is considered to be an example of how collaboration between authorities can succeed and be an effective way of addressing cross-boundary matters.</p> <p>With respect to the proposed Paragraph 27, the Council supports the additional emphasis on ensuring plan policies are consistent with those of other authorities, where this is relevant. The Council would raise a significant concern over the requirement to be consistent with investment plans of infrastructure providers insofar as those plans are developed outside of the planning system and may not share the same objectives, particularly in terms of realising, directing and planning housing and economic delivery and growth. At present, there is no express requirement upon such bodies to align themselves with the plans, strategies and decisions of local authorities. If this requirement is maintained by the Government, it would be imperative to consider ways which place emphasis on infrastructure providers to work closely with local authorities and ensure their investment plans align with the aspirations of the Council as well as their own needs and requirements with the NPPF, to ensure such plans can be best aligned with Local Plans.</p>

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		<p>The Council also considers it helpful for the NPPF to more clearly articulate how Local Plans which come forward at different times can help address shared issues, in particular the need to take a pragmatic, informed view on the basis of likelihood and available information, rather than deferring issues.</p> <p>The Government should consider how these new requirements interface with the existing strategic planning framework within London, particularly the London Plan. The Council would support the principle of expanding SDSs, and the London Plan model, to wider geographies as a way of better reconciling the challenges of bringing forward sustainable development at the scale required to address the national housing crisis.</p>
13	Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?	<p>The Council supports the principle of the tests of soundness being updated to better assess the soundness of strategic scale plans or proposals, in recognition that growth at a strategic scale can depend on, for example, infrastructure investment or land availability that may not be realised until several years into the plan period.</p> <p>However, any tests of soundness ought to strike a balance, between the need to ensure that such strategic scale plans are likely to be sound, whilst not providing a disincentive to bringing forward ambitious long-term plans. This could resemble a test of 'soundness in principle' which has proportionate evidential requirements and which offers an opportunity for such long-term plans to proceed with confidence, whilst also triggering the need for a review of the plan if certain conditions are later not met.</p> <p>It is important to acknowledge that there are existing mechanisms within the NPPF, including the five year housing supply and Housing Delivery Test mechanisms, which already provide a fallback to ensure housing supply can continue even if plans and projects stall, and so the objective of any amendments ought to be to encourage long-term strategic plans, and not to (intentionally or through unintended consequences) discourage them by increasing the evidential burden for such plans to be found sound.</p>
14	Do you have any other suggestions relating to the proposals in this chapter?	<p>Increasing housing delivery to combat the housing crisis is important across the NPPF as a whole, and incentivising local authorities to be proactive in allocating housing sites, providing permissions and discharging conditions in a timely manner will have a positive impact on overall completions, however, this does not consider the whole picture. The current mechanism for the presumption in favour of sustainable development focusses on overall completions, which in the most part is out of a local authority's control once a permission is granted. It would be far more balanced to include an additional focus on granting permissions. For example in the past 2 years, Richmond have granted permission for around 1,300 dwellings, but within the past 2 years only around 250 dwellings have been completed. To</p>

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		<p>really drive housing delivery there needs to be stronger mechanisms in place to push developers to build out permissions, but also mechanisms that support local authorities that permit a sufficient number of dwellings where these are not then reflected into overall completions. The current focus on completions alone can result in local authorities falling into a presumption through no fault of their own. There needs to be a better mechanism within the NPPF to incentivise developers to bring permissions forwards and empower local authorities that do permit high numbers of dwellings in comparison to annual housing targets.</p>
15	<p>Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?</p>	<p>The Council supports the proposal to remove the 2014 household projections from the local housing need methodology. The 2014 projections are considerably out of date and are now known to be extremely unreliable.</p> <p>The Council supports the principle of using existing housing stock at the starting point for the local housing need methodology, insofar as it equalises the baseline and encourages proportionality and fairness. The Council's main concern would be whether this baseline would be fixed to a date or recalculated annually (or upon the publication of updated figures). If the latter, we would encourage the Government to consider whether this means authorities could create perverse incentives in that authorities which take a positive and proactive approach to development will have a progressively increasing baseline need (by virtue of the 0.8% being taken from a figure which is increasingly significantly year on year), whilst authorities which restrict growth will have a proportionately lower relative need (by virtue of the 0.8% being of a figure increasing only modestly year on year). The Council accepts this impact may be masked by the affordability adjustment discussed in later questions.</p>
16	<p>Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?</p>	<p>The Council understands the principle of using an affordability adjustment to account for an imbalance between supply and demand for new homes, although it is clearly the case that the relationship is a lot more complicated than this, and increasing the supply of housing, at a single borough level, does not always directly reduce house prices or make them more affordable unless this increased supply is reflected across a much wider housing market area.</p> <p>In addition it is important to note that house prices often vary significantly across Council areas therefore average affordability ratios, although a useful national comparison, are not accurate enough to be a useful aspect of the measurement for the standard methodology.</p> <p>Was this change to be introduced, the Council would prefer the principle of taking a three-year average to allow for a smoother adjustment which is less vulnerable to year-on-year changes.</p>

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17	Do you agree that affordability is given an appropriate weighting within the proposed standard method?	<p>As stated above, affordability is not an appropriate measure to use when calculating overall housing targets within the standard method, due to the complex relationship between house prices, affordability and the availability of housing. However, delivering an understanding of a national housing target which is at a scale capable of addressing the national housing crisis is considered a useful step forward.</p> <p>As expanded upon in its response to Question 19, the Council notes that the affordability adjustment results in a fairly small uplift for Richmond Borough, but one that results in a figure that continues to be significantly above the capacity-based London Plan target for the borough. The Council supports the continued role of the London Plan in providing Borough-level targets to ensure the number of homes to be planned for in a Borough remains ambitious but credible.</p>
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?	<p>As stated above affordability ratios are not an appropriate method to form part of the standard methodology calculation. However, a national calculation which includes affordability ratios for the rental market would be highly useful for other evidence studies, including within Local Housing Needs Assessments to determine the level of affordability within the Private Rented Sector at a Council level.</p>
19	Do you have any additional comments on the proposed method for assessing housing needs?	<p>As a starting point for calculating the number of homes needed in an area, the Council accepts that a standard methodology has advantages.</p> <p>As set out elsewhere, around 2/3s of the borough is covered by an open land designation, with the majority being Metropolitan Open Land but also with some limited Green Belt. Much of the protected parks within Richmond provide open space and recreational opportunities to residents from the borough as well as other parts of London, which is highly important to the wellbeing of many Londoners and this should be a consideration within overall housing numbers. In this context, it is not possible for the Borough to ever accommodate the scale of growth suggested by the standard method, whether current or as proposed.</p> <p>The Council supports the Government's ambition to revise the standard method in such a way that delivers an ambitious but credible target for London, and agrees with the Government's conclusion that the existing target of nearly 100,000 homes per annum does not reflect reality and leads to an overconcentration in London (a third of the entire national need) that detracts from the ability for other areas to deliver housing. However, it is important that Borough-level targets also remain ambitious but credible, noting that Richmond's unconstrained housing need figure would increase from 2,187 homes per annum to 2,283 homes per annum, both significantly above its already ambitious London Plan target of 411 homes per annum. The standard method as proposed therefore is not a realistic measure of the</p>

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		<p>volume of housing that can be delivered in a highly-constrained borough like Richmond.</p> <p>To ensure the Council can continue to deliver growth at an ambitious but credible scale, it remains critically important that Local Plans themselves can be brought forward on the basis of ambitious but credible targets which reconcile between need, opportunities (such as locations for new infrastructure projects or significant land availability) and constraints (including land availability, character and heritage). In this context, the Council strongly supports the London Plan capacity-based approach to establishing borough-level housing targets, which it considers provides a clear, evidence-led approach to addressing housing needs by setting tested targets for individual authorities. The Government is encouraged to continue to allow the London Plan to be a tool to convert unconstrained need into Borough targets to ensure they are ambitious but credible at a Borough-level too. Such an approach could be expanded to wider geographies as part of the Government's commitment to strengthening and expanding strategic planning to other areas, and would help reconcile any 'mismatches' between areas with the highest housing needs and the areas with the greatest opportunities for new housing which often lead to needs being unmet.</p>
20	Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?	<p>The Council is proud of its strong history of redeveloping brownfield land and its Local Plan gives substantial weight to the value of using brownfield land for homes, particularly the affordable homes the Borough's residents need. The proposed change to Paragraph 124c, in essence to make clear that brownfield schemes should be regarded as acceptable in principle, is generally acceptable, but would certainly require stronger articulation, for example adding the words "where otherwise policy compliant" would be advised. This is especially relevant to the loss of office stock and industrial land which have been lost at unsustainable rates leaving a very limited supply in the borough. The NPPF still requires sufficient land to support the economy, which has become increasingly difficult to protect due to changes in permitted development and the introduction of Use Class E. The issue here is that once brownfield land such as employment land is lost to residential uses it is highly unlikely it would ever return to this use. Therefore, mechanisms which still allow important industrial sites and office sites to be protected through Local Plan policy are imperative to ensure there is still some supply of employment land to account for future needs, even if the site is not currently being used for that direct purpose. It will be important to ensure any new wording is not used to suggest acceptability of housing schemes, despite their failure to meet other policy requirements.</p>

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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?	<p>The Council has no specific objection to the principle of defining circumstances where development on Green Belt is not inappropriate, being considered an exception, as is established policy. However, it recognises that land designated as Green Belt is very precious and is an important part of the borough's network of green and blue infrastructure.</p> <p>In relation to the changes to paragraph 154g, which introduces a lower test for the exception to apply, guidance must be clear that, robust evidence will need to be provided by expert professionals to justify that the land in question makes very limited or no contribution with regard to the purposes of Green Belt land, and would not undermine the function of the Green Belt as a whole across the borough and potentially beyond it <u>and</u> where this would deliver the types of homes that are most needed, for example new social rented homes.</p> <p>As drafted the NPPF states that for the exception to apply, [the development] should "...not cause substantial harm to the openness of the Green Belt", rather than not having greater impact on openness than the existing development as in the current NPPF. This is potentially a much lower test. Taken in isolation, this could allow for significant intensification of development which could potentially conflict with the long-established five purposes for Green Belt. It is noted that the proposed paragraph 150 of the Consultation Draft (153 of the current NPPF) retains the wording that in considering planning applications "substantial weight should be given to any harm to the Green Belt", regardless of whether that harm is minor or significant, which seems somewhat at odds with this redrafting.</p> <p>In a London borough such as Richmond upon Thames, it is likely that a significant proportion of developable land could fall within the definition of PDL, and hence this exception could apply widely. This is particularly relevant if the relaxation of this exception test is applied to Metropolitan Open Land.</p> <p>The specific change proposed to Paragraph 154(g) could have unintended consequences as it will naturally invite subjective decisions as to whether the level of harm that a proposed development would cause is substantial. The Council therefore suggests that further guidance via the NPPG is provided which outlines how 'harm' is to be assessed. The Council has consistently opposed the piecemeal incremental erosion of land designated as Green Belt.</p>
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?	The existing definition of PDL is considered broadly useful, in that it focuses on the characteristics of land and the presence of structures which, in many cases, directly relates to their openness. The Council would have some concern over the proposal to include hardstanding and glasshouses.

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		<p>It would also be a concern that an expanded definition could accelerate the loss of horticultural facilities; this proposal in particular lacks clarity in that it would appear that the objective of including glasshouses in the definition of PDL would be to encourage such facilities to be redeveloped, yet the consultation raises concerns over the loss of these facilities. Instead of scoping glasshouses into an expanded definition, the Government could instead look to include a separate paragraph which states that redevelopment of such facilities would not be inappropriate, in certain circumstances, such as where they have been vacant for a significant period.</p>
23	<p>Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?</p>	<p>The Council recently commissioned a review of open land designations in the borough, including Green Belt, which forms part of the Local Plan evidence base. This Study concluded that all Green Belt areas in the borough perform strongly against the relevant purposes set out in the NPPF (unchanged in this consultation) and subsequently no Green Belt has been proposed for release as part of the review process.</p> <p>Guidance should be clear that consideration of grey belt land and the exceptions set out in new paragraph 152 should only come into play where there is robust evidence that needs (for housing, commercial and other development) cannot be met.</p> <p>Further clarity would be welcomed in the definition itself that grey belt land is comprised of land which both makes a limited contribution to the five purposes AND is PDL, reflecting comments made above. It should be clear that if a parcel of land makes a moderate or greater contribution to any of the five purposes <u>individually</u> then it would not be considered as potential grey belt.</p> <p>Further advice on methodology for identifying grey belt through open land reviews would be welcomed. It is recognised that Councils will need to regularly undertake open land reviews. It is considered that the most appropriate way to identify grey belt is through an open land review, at a strategic level, as part of the Local Plan evidence base which can then be taken forward as part of a Local Plan review where appropriate, taking into account the wider evidence base (including meeting need for development) and the Plan's spatial strategy. This would ensure that this precious resource, carrying out such a vital role for the borough and the region, is not subject to piecemeal erosion.</p> <p>The proposed definition invites a judgement as to the contribution an area of land makes to the five Green Belt purposes which is likely to be disputed between Councils and developers.</p> <p>The Council considers it is important to acknowledge that in London, the London Plan affords land designated as</p>

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		Metropolitan Open Land (MOL) the same status as Green Belt. It should be recognised that the designation criteria for MOL as set out in London Plan policy G3 are somewhat different to the purposes of including land as Green Belt. The Council seeks clarity that land designated as MOL is not capable of being considered grey belt and would not be subject to the provisions relating to it in the consultation draft NPPF, including the relaxation of policy in relation to the exception for PDL.
24	Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?	Were the Government to wish to prevent currently undeveloped land deliberately being poorly managed or degraded such that it 'becomes' grey belt land for the purposes of facilitating its development, it could consider an eligibility time period for land to which new structures have been added, similarly to how some permitted development rights work, or else a basedate, similar to how Biodiversity Net Gain provisions work. Also, further guidance would be helpful in relation to land being deliberately made derelict in relation to paragraph 140 e. It is suggested that similar wording to that employed in relation to heritage assets in paragraph 202 would be appropriate: " <i>where there is evidence of deliberate neglect of, or damage to, a heritage asset (in this case Green belt land) the deterioration state of the land should not be taken into account in any decision</i> ".
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?	See comments above. It is noted that there is currently no standard methodology for undertaking open land reviews. Due to the level of detail likely to be needed it is suggested that the advice might best be added to the PPG. However, it is essential that such revisions are made as quickly as possible to provide certainty for plan making and especially decision making.
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?	The Council supports the proposed guidance as a starting point for determining whether land makes a limited contribution to Green Belt purposes but considers that more substantial guidance will be needed to help inform future strategic and local Green Belt reviews. In particular, greater clarity will be needed on subjective terms such as "substantial built development" and "dominated by urban land uses", and what land uses would be included, else these are likely to become disputed between authorities and landowners. It also appears that suggested points b)ii. and b)iv. duplicate two of the five purposes of the Green Belt which are already covered by point a). The scale at which an assessment is made is critical, often requiring cross-boundary cooperation to make a strategic assessment rather than a granular appraisal.
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?	The role of Green Belt is not related to its nature conservation status or biodiversity value and the Council considers that there is some merit in retaining this distinction of purpose. However, it is noted that such designations can overlap.

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		The Council welcomes the principle of encouraging Local Nature Recovery Strategies to assist in defining opportunities for enhancement within the Green Belt.
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?	. As part of Open Land reviews, the Council supports the principle of assessing the contribution different areas make to the relevant purposes, and, where authorities conclude that sites identified for release are robustly justified with reference to their performance and to the wider Local Plan and spatial strategy. The Council recognises that wider sustainability criteria remain fundamental, and supports the proposal to treat this process sequentially, with favour shown to those areas which perform best across wider sustainability criteria (for example, access to strategic public transport infrastructure). However, local authorities should remain empowered to make decisions based on a wide range of sustainability criteria; this may mean sequentially preferring non-grey belt land over grey belt land where the former is clearly a more sustainable location for development, taking into account the wider evidence base and assessment of need for land uses.
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?	The Council considers it fundamental to ensure that development in the Green Belt is not able to undermine the function of the Green Belt across a wider area. The Council considers the threats to this to be much more apparent in decision-making, than plan-making, as expanded upon in its response to Question 30.
30	Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?	<p>The consultation document itself refers to the need to not alter the general purpose or extent of the Green Belt and to ensure that release of land is strategic and not haphazard. It is considered that the most effective way of doing so is to review and potentially release land or redesignate it as part of the Local Plan process. This approach allows for the proper consideration of release based on a consistent and robust methodology and the impact of release on the wider function of the Green Belt. Importantly, this approach allows for a holistic consideration of the outcomes of such a study in relation to the wider evidence base, including needs assessments, and the Plan's spatial strategy. Indeed, paragraph 142 of the draft NPPF has been drafted to clarify that boundaries should only be altered in exceptional circumstances which include where need for housing, commercial and other development cannot be met. The most effective way to do this is through the Local Plan process. Further clarity is requested on what "other development" includes.</p> <p>A plan-led system provides for much greater certainty and opportunities for co-ordination around infrastructure and other investment.</p> <p>The Council considers that allowing for development on grey belt land through decision-making will invite speculative applications from developers. Should the government intend</p>

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		<p>to pursue this there should be extremely strict criteria in place to protect this finite resource..</p> <p>The Council considers it important that safeguards against the incremental undermining of the function of the Green Belt are included in the policy wording. This would occur where the assessment of an individual proposal is limited simply to its own contribution to the five purposes, and any localised impacts, and not, for example, the impact that the proposal would have on the contribution that adjacent land makes to the five purposes. Cumulative impacts need to be taken into account. It is possible that a development could diminish the contribution that adjacent land makes to the Green Belt in a snowballing effect. In these circumstances, over time, development could incrementally take place over a larger area which, if considered in isolation, would have been considered to fundamentally undermine the function of the Green Belt, but which was not prevented as each individual parcel was not considered to undermine this function in isolation. This could be remedied through an additional clause which requires local planning authorities to consider how a proposal would affect the contribution that adjacent land makes to the five purposes when determining whether a proposal would fundamentally undermine the function of the Green Belt.</p> <p>As mentioned above, the Council considers it is important to acknowledge that in London, Metropolitan Open Land (MOL) is afforded the same status, and therefore protections, applying to existing Green Belt. MOL covers 52% of the land area in the borough and there is therefore potentially considerable scope for change through the development management process, albeit it acknowledging that other plan policies and protective designations would need to be considered in decision making..</p> <p>If the changes in the NPPF are to apply to MOL, including through the decision-making process, the Council would strongly oppose the proposed definition, which would fail to acknowledge the much wider purposes and benefits of MOL, which, has a much more wide-ranging public benefit role in terms of leisure, landscapes and habitats, providing opportunities for recreation and is very much needed to facilitate the Council's response to the current Climate Emergency.</p>
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?	The Council considers that the potential for Green Belt release to facilitate economic and commercial development was already part of the proper planning process, prior to the December 2023 changes to the NPPF. The Council suggests that the Local Plan process is the most effective way to consider whether land fulfils the purposes of Green Belt, and whether land is required to meet development needs as detailed above. The best way to effect proper planning is to

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		<p>consider through the plan making process whether development is proposed in the right locations, in reference to the sequential approach to grey belt land, , albeit recognising that for economic developments wider sustainability criteria are fundamental, including typically access to the strategic transport network.</p> <p>The Council would not support measures to routinely allow economic or commercial developments on grey belt land through decision-making. The proposed Paragraph 155 facilitates housing delivery in a clear way which is tied explicitly to exceptional circumstances, including the sufficiency of a local authority's housing supply (to which clear and consistent tests exist) and measures to ensure there is a clear public benefit (e.g. at least 50% affordable housing). Paragraph 155 makes far less onerous provisions for commercial or economic developments and as such it would appear that unexceptional commercial development, of any quality, would have a route to a permission simply by suggesting that there is a need for such land. The Council considers development in the Green Belt, including the grey belt, should remain an exception and as such, would support the removal of non-housing developments from these provisions and to instead maintain the current position in national policy which allows for non-housing schemes to be permitted through the decision-making process where very special circumstances can be demonstrated.</p>
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?	The Council considers that equal provisions to those which are proposed for other forms of housing should equally apply to traveller sites, subject to the considerations set out in the PPTS.
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?	The Council considers that it should remain for a local authority, through the plan-making process, to undertake an assessment of the need for traveller pitches and demonstrate through its Local Plan, how it intends to meet this need. This would then be justified through the Local Plan examination.
34	Do you agree with our proposed approach to the affordable housing tenure mix?	The Council supports the principle of maximising the amount of genuinely affordable housing that all development delivers, including the 50% overall target which it considers should be treated as a minimum. The Council supports the principle of allowing local authorities to determine the most appropriate affordable housing tenure mix for developments in their area, and considers they should be encouraged, in line with wider provisions made in this consultation, to maximise the tenures that best meet their needs, for example within Richmond Social Rented housing.
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?	The Council considers it vital that all developments maximise the amount of genuinely affordable housing they deliver especially where the level of need for affordable housing is very high, such as in less affordable Council areas like the borough. Including a 50% affordable housing target within the NPPF sets a clear bar which should then be

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		reflected within the land price at an early stage and this is key to maximising affordable housing. This requirement also acknowledges that higher targets can often still be achieved in lower land value areas, especially when using the current method of assessing viability.
36	Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?	The Council supports measures to secure benefits for nature and public access to green space where development takes place. It supports the principle of setting an objective that all new residents can access good quality green spaces within a short walk of their homes, although would have some concern that the phrasing of this, particularly the word 'objective', implies that it is not a fixed requirement. The Council would support stronger wording around this point to clearly demonstrate that this objective should be met in all circumstances, or else justified by the applicant through compensatory measures delivered on-site.
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?	Given the significant disparity between land prices across the country, it would be highly challenging to set realistic BLVs that would be reflective of land values across the Country. Setting an average could result in some areas having a higher BLV than current levels meaning the overall level of affordable housing could be artificially reduced, or the BLV could be set higher than current levels meaning development would not be viable and would not come forwards, or if flexibility was included within the BLV this could result in a lack of clarity for how development management officers and developers apply the indicative figures effectively. The current methodology of Existing Use Value plus a premium is a suitable methodology to assess BLVs, however, additional clarity may be useful for Green Belt land i.e setting out a lower premium on Green belt within the NPPF or using a similar approach to the current Alternative Use Value calculation where policy costs must be included as part of the BLV calculation within the Green Belt.
38	How and at what level should Government set benchmark land values?	As stated above setting an indicative BLV would be unlikely to achieve more affordable housing, it would be clearer to limit the premium on Green belt to around 10% and not allow higher premiums such as 15-20% to be applied. Premiums should be reflective of the quality of the site and risk associated and as Green Belt land currently holds limited value due to the planning controls associated with it, it would be prudent to assess the level of premium applied differently to land outside the Green belt.
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?	<p>It is noted that there is much discussion about the golden rules in this consultation and within the supporting documentation for the NPPF review, but the phrase is not used in the NPPF itself. It might be that there is a risk of making this term common, but causing confusion about what the golden rules are because of the absence of the phrase from the Framework.</p> <p>As highlighted above, setting an indicative BLV that could accurately cover different existing uses, different locations, types of sites, sizes of sites, and potential alternative uses</p>

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		<p>would result in significant inaccuracies, which would prevent meaningful discussions with land owners and developers which are needed to bring forwards land for development. However, the current viability process should be reconsidered, this process should form part of an individual consultation with specific technical details considered as part of the Viability chapter within the NPPG. Ideally it would be prudent to consider setting clearer parameters within the NPPG for standard assumptions including current acceptable profit levels, finance costs (which are currently calculated on a 100% debt cost rate for all development costs) and acceptable premiums for EUV's, need to be reconsidered in the current economic climate with clear parameters set out.</p> <p>Another key consideration with BLV is that values are sensitive to the economic climate and setting out an indicative BLV within the NPPF which is only updated periodically, could result in difficult circumstances or high numbers of appeals when the BLV within the NPPF is considered out of date, which would erode the importance of the approach. As viability is constantly changing setting a rigid BLV would not help to achieve more affordable housing and would most likely result in longer and more difficult viability negotiations on a suitable BLV.</p>
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?	This is counterintuitive as affordable housing should always be maximised where it is viable to do so. If a developer has a suitable level of profit and the landowner is fairly compensated for releasing land there should be no barriers in place to limit affordable housing where more can be viably delivered.
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?	<p>The Council would support this approach to be used more widely nationally. The application of late stage reviews is already included within the London Plan and late review mechanisms are effectively used across London to incentivise higher levels of affordable housing to be delivered (as the use of the Fast Track Route removes the requirement for a late stage review, which is a substantial incentive for developers to reach policy compliant levels of affordable housing, as the inclusion of late stage reviews often increases the level of risk to developers).</p> <p>As the approach is already effective within London the tried and tested methodologies used could easily be applied elsewhere to increase the level of affordable housing offered at the outset, as well as providing the potential to accrue additional contributions if viability improves. The current formula approach used for late stage reviews within the London Plan viability guidance is a useable and effective way to assess sites at a late stage review without the need to undergo detailed and complex viability discussions. However, the key part of a late stage review is ensuring the initial baseline is accurate and effectively reflected within the associated legal agreement. This is where having viability knowledge within the Council is key, to ensure that the</p>

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		<p>review mechanisms are properly set out within the associated legal agreement, the baseline viability position is correct without an artificially inflated deficit to prevent a late review mechanism accruing additional contributions, and Councils have the capacity to carry out viability reviews as well as the resources to monitor when a review mechanism is triggered. Having access to suitable formulas such as those included within the London Plan viability guidance, which can be referred to (i.e directly included within the NPPG) is absolutely key to helping local authorities use late stage reviews effectively. It is also recommended that early reviews should be considered to be included as part of this proposal to incentivise more Councils to apply early stage reviews, as this is a useful way to incentivise developers to bring forwards sites more quickly.</p>
42	<p>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?</p>	<p>As set out in its response to Question 31, the Council would be concerned about the wording of Paragraph 155 as it relates to non-housing developments.</p> <p>The Council would not support measures to routinely allow economic or commercial developments on grey belt land through decision-making. The proposed Paragraphs 152 and 155 facilitate housing delivery in a clear way which is tied explicitly to exceptional circumstances, including the sufficiency of a local authority's housing supply (to which clear and consistent tests exist) and measures to ensure there is a clear public benefit (e.g. at least 50% affordable housing). Paragraph 155 makes far less onerous provisions for commercial or economic developments and as such it would appear that unexceptional commercial development, of any quality, would have a route to a permission simply by suggesting that there is a need for such land. The Council considers development in the Green Belt, including the grey belt, should remain an exception and as such, would support the removal of non-housing developments from these provisions and to instead maintain the current position in national policy which allows for non-housing schemes to be permitted in the Green Belt through the plan-making and decision-making process where exceptional and/or very special circumstances can be demonstrated. The plan-making process would be the correct place to set specific policy expectations for non-housing developments which relate well to local needs and set expectations around quality.</p>
43	<p>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?</p>	<p>The Council supports measures to maximise the delivery of new genuinely affordable homes. Whilst we understand why transitional arrangements may be desirable, we would encourage the Government to consider whether applying the 'golden rules' immediately, particularly the requirement to secure 50% of homes on released Green Belt land as affordable, could be justified on the basis of the potential additional affordable homes this would deliver. This would not preclude site-by-site viability testing from taking place where a 50% contribution would be unviable but would equally mean that sites that have already been released, or</p>

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		<p>which is in the process of being released, which can afford to make a 50% affordable housing contribution are not able to avoid doing so.</p>
44	<p>Do you have any comments on the proposed wording for the NPPF (Annex 4)?</p>	<p>These comments should be read in conjunction with the Council's response to questions 37, 38 and 39. The Council agree with the approach stated, i.e an EUV approach should establish the BLV. However the setting of a BLV that is applicable nationally to all different types, locations, sizes etc of Green Belt land would be highly unlikely to result in an accurate figure that could be sufficiently relied on in the long term without eroding the premise of this calculation through challenges at appeal. As stated previously it would be more beneficial to set a premium range that is considered acceptable for an EUV within the Green belt, ideally closer to 10%.</p> <p>In relation to point 2, this wording does not provide enough clarity in relation to the material considerations that should be considered relating to Green Belt release, a key consideration would be to relate to transport links, and the sustainability of the site overall as well as other considerations i.e. landscape and heritage impacts. For example a highly sustainable location delivering slightly below policy requirements would arguably be more suitable to develop than sites which can deliver a policy compliant scheme, but are located in a less sustainable location, within a more sensitive area. Instead this should be considered at the allocation stage, for example sites should not be released from the Green belt if they are deemed unviable at the plan making stage. As the NPPF states that viability should be focussed at plan making stage this would provide better protections for sites that are considered less sustainable, and more sensitive but could deliver a policy compliant proposal.</p> <p>In relation to point 3, as stated above affordable housing should always be maximised and if reasonable levels of profit and return are achieved for the developer and land owner respectively, there should be no further barriers in place to prevent the maximisation of affordable housing.</p> <p>In relation to point 4, the inclusion of the late stage review within the NPPF is positive and would provide additional mechanisms to increase the level of affordable housing provided in a Council area. However, this overall paragraph is ambiguous and would be difficult to apply consistently for decision makers, it would be better to include a reference to viability evidence stating that; 'the viability evidence underpinning the Local Plan should be the starting point for all negotiations and where assumptions significantly deviate the applicant must provide clear justification as to the reasoning for the deviation'. This would also help provide a baseline for the BLV as clear deviation away from the BLV included within the supporting viability evidence would need to be clearly justified by the applicant.</p>

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45	Do you have any comments on the proposed approach set out in paragraphs 31 and 32?	The Council has no specific comments to make on this question.
46	Do you have any other suggestions relating to the proposals in this chapter?	With reference to the 'golden rules' which are proposed to apply to major developments on land released from the Green Belt, the Council would seek additional clarity over how minor developments are expected to be dealt with. It is reasonably likely that housing developments of fewer than 10 dwellings may come forward on grey belt land through the Development Management process. As currently written, it would appear the 'golden rules' are not expected to apply to such developments. The Council would encourage the Government to consider whether such developments, which may cumulatively and incrementally have capacity for a significant quantum of growth, should be subject to the same provisions as major developments, or a proportionate set of alternative rules.
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?	<p>The Council strongly supports the proposal to emphasise the need to deliver social rented housing through the planning system. The Council's emerging Local Plan is currently at Examination, and aims to address the significant need for genuinely affordable housing across Richmond Borough. The Council's emerging Local Plan places a clear emphasis on the delivery of low-cost affordable rented housing, with a proposed tenure split of 70/30 in favour of low cost rented products, which is the maximum compliant percentage in the context of the London Plan. The Council's housing needs evidence, which has informed the emerging Local Plan, identifies that there are over 5,000 households already on a local housing queue, and the unconstrained need for low-cost rented products exceeds 1,100 homes per year. This is particularly stark when you considered the Council's capacity-tested London Plan target of 411 homes per year.</p> <p>Whilst the Council, and other London Boroughs, already give significant weight to the need for low-cost rented housing when preparing their housing needs assessments and Local Plans, the additional emphasis provided by the suggested amendments, including those at Paragraph 63 and 64, is strongly supported in recognition of the vital role that increasing the supply of low-cost rented homes, and particularly social rented housing, needs to play in tackling the national housing crisis.</p>
48	Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?	The Council supports the proposal to remove the requirement to deliver 10% of housing as affordable home ownership products. Whilst there is, of course, a role for affordable home ownership products in the market, it is well known that these products cater for a different, often less acute, form of housing need than low-cost rented housing, often providing a route to homeownership for those who can afford market rents. By comparison, social rented and other low-cost rented housing often caters for an immediate and severe housing need for those who cannot afford other forms of housing.

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		<p>The greatest benefit of the change as proposed is it would give local planning authorities the flexibility to develop policies which cater for the types of affordable housing that best meet local needs, including to require a greater proportion of low-cost rented housing than is currently possible under the existing NPPF.</p>
49	<p>Do you agree with removing the minimum 25% First Homes requirement?</p>	<p>The Council strongly supports the proposal to remove the minimum 25% First Homes requirement. The Council considers First Homes to be a completely ineffective and inappropriate affordable housing product, particularly in London, which are not genuinely affordable and which redirect delivery away from where it is most needed, including the delivery of social rented housing.</p> <p>The Council's emerging Local Plan proposes the non-inclusion of First Homes given the strong evidence they are ineffective and inappropriate for the Borough. First Homes, particularly in London, are rarely viable and where they are viable, evidence suggests they are only accessible to a very limited range of potential occupiers. There are areas of Richmond Borough where even a 50% discount on open market value would not reduce the price under the £420,000 cap set for First Homes.</p> <p>By removing the minimum 25% requirement, the Council is encouraged that local planning authorities can focus their attentions on maximising the delivery of much-needed genuinely affordable housing, in support of the wider changes proposed to be made to the NPPF.</p>
50	<p>Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?</p>	<p>As above, the Council considers First Homes to be a completely ineffective and inappropriate housing product for Richmond borough and London as a whole. It is recognised that there may be value in the product elsewhere and so the Council has no objection to the proposal to retain First Homes as an affordable housing tenure, provided the mandatory 25% policy is lifted as proposed.</p>
51	<p>Do you agree with introducing a policy to promote developments that have a mix of tenures and types?</p>	<p>The Council recognises that good place-making relies upon residential communities with a mix and balance of types and tenures, catering for different needs across the community and encouraging inclusivity. Nevertheless, it is important that we maintain the ability to address the most acute housing needs which may include encouraging developments with a high proportion of, or even exclusivity of, genuinely affordable housing. In this sense, any policy promoting a mix and balance of types and tenure should be carefully crafted in such a way as it does not take a broadbrush presumption against developments which cater for local needs and priorities which may be appropriate when weighed in a wider planning balance.</p>
52	<p>What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?</p>	<p>Notwithstanding the importance of delivering residential communities with a mix and balance of types and tenures, the Council would support changes to the NPPF which would give encouragement for high percentage or exclusively low cost rented housing schemes. This could include positive policy statements which require local authorities to</p>

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		give significant weight to the benefits of delivering more low-cost rented housing, in the context of high levels of need, when applying a planning judgement.
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 Council does not consider there is a single test for whether a high percentage or exclusively affordable housing scheme is appropriate, but rather that this requires a planning judgement in the context of housing need, site size, design and location. A restrictive safeguard is unlikely to be required and could instead be interpreted as an inherent issue with high percentage affordable schemes, however any positive policy statement, such as that mentioned in the Council's response to Question 52, could include a caveat requiring authorities to consider whether the particular characteristics of the site, such as its location, mean it would be more suited to a different tenure mix.
54	What measures should we consider to better support and increase rural affordable housing?	As Richmond borough is unlikely to host a rural affordable housing scheme, the Council has no specific comment to make on this question.
55	Do you agree with the changes proposed to paragraph 63 of the existing NPPF?	The Council supports the principle of inserting a much clearer requirement for local planning authorities to consider the housing needs of looked after children but would suggest the use of different phrase to capture the need to consider the wider housing needs of care experienced young people and care leavers. Requiring local authorities to plan for the housing needs of care experienced young people would allow for the development of relevant planning policies which could, for example, require a proportion of housing on appropriate sites to be reserved for local care experienced young people.
56	Do you agree with these changes?	Within 63 it would be beneficial to highlight that local authorities with limited land availability may have to prioritise housing types. This is important for authorities like Richmond where opportunities for development are limited. Although providing housing for all facets of the community is important, this should not be at the detriment of providing for the highest priority needs. This is most relevant in Richmond where there is little need for, for example, student housing, but a very high need of Social Rented housing.
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?	The Council, in principle, supports the proposed amendment to the NPPF Glossary to include community-led developments; however we feel there needs to be appropriately robust safeguards in place in relation to eligibility, including the quality of affordable housing provided, consistency with local occupancy policy, and availability in perpetuity as affordable housing.
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?	<p>The Council recognises the important role that small and medium housebuilders have in delivering much needed housing and supporting local economies.</p> <p>In Richmond borough, small sites are a very important component of meeting our housing requirement with over half of the overall housing supply expected to come from small sites. This is supported by the London Plan which sets a positive framework for London boroughs to deliver homes on small sites. Small sites for residential development are</p>

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		<p>often the most difficult type of residential development to deliver, with fragmented land ownership and high levels of owner occupation in existing residential areas in the borough. In addition, small sites can often come forwards quickly, and it is highly difficult to predict over a Local Plan period when a small site could be released for development. Allocation of small sites can also artificially increase the land value, which in boroughs like Richmond whereby affordable housing contributions are sought from small sites, this could impact on the viable level of contribution secured, if the viability is required to be tested. There are often concerns raised by existing local communities regarding the impact of new development, such as the detrimental impact on character and amenity and the cumulative impacts on local infrastructure, such as transport, health, education and other community facilities. Nevertheless, in a local context, the supply of small sites is considered to be strong and sufficient, significantly exceeding the 10% minimum in the NPPF.</p>
59	<p>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?</p>	<p>The Council strongly supports the removal of references to 'beauty' whilst maintaining the overall requirement for development to be high-quality and well-designed.</p> <p>As raised in previous consultation responses, the phrases 'beauty' and 'beautiful' are inherently subjective and create an unhelpful expectation that all developments should strive to meet an indefinable and simply aesthetic standard that undoubtedly differs from one observer to another. By emphasising phrases such as 'well-designed' instead, we can focus on applying objective standards of good design that are clearer and more consistent and which bring in non-aesthetic elements of design which are crucial to achieving good planning outcomes, including for example ensuring places facilitate healthy lifestyles and are resilient to climate change.</p>
60	<p>Do you agree with proposed changes to policy for upwards extensions?</p>	<p>Whilst the Council will support the principle of upward extensions where policy compliant, it considers the specific reference to upward extensions in this paragraph to be oddly specific and has concern over the incomplete list of issues that the Government has prescribed to be taken into account when considering the acceptability of any proposed upward extension, including maintaining appropriate amenity for surrounding occupiers. The Council considers a more proportionate approach would be to encourage local authorities to consider the role that upward extensions can play in meeting wider policy objectives, without wording the paragraph in such a way as to suggest design and impact on streetscene are the only reasons why upward extensions may be inappropriate. The Council considers detailed matters of design and form should be left to local authorities to determine, particularly given other equally appropriate forms of development have not received the same level of detailed policy support.</p>

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61	Do you have any other suggestions relating to the proposals in this chapter?	<p>The Council would support a review of Paragraph 65. This paragraph currently seeks to limit the ability for local authorities to seek affordable housing contributions from non-major developments, i.e. sites smaller than ten dwellings. This could include an additional paragraph along the lines of ‘unless there is clear, up-to-date viability evidence underpinning Local Plan policy to support an affordable housing contribution’. In many cases small sites can viably provide a level of contribution towards affordable housing (delivery onsite is generally more problematic due to Registered Providers not seeking to purchase a small quantum of affordable dwellings), and the logistics of management. However, in many cases small sites are not required to contribute to significant infrastructure projects meaning development costs are lower. Even seeking small contributions could provide substantial funds to allow local authorities to deliver more affordable housing.</p> <p>The scale of need for affordable housing in Richmond Borough, and across London as a whole, is known to be extremely large. In Richmond alone, there are currently over 5,000 households already on a local housing queue, and thousands more will fall into priority need across the plan period. The Richmond Local Plans, both adopted and emerging, and having particular regard to the lack of large sites in the pipeline and high levels of need, justify an affordable housing policy which require contributions from small sites, which is a position supported by the London Plan. Such policies have also been tested elsewhere in London, on the basis of need and viability, and found to be deliverable and justified.</p> <p>Despite the individual justification made in Richmond, the Council is concerned that Paragraph 65 as currently worded makes an assumption that seeking affordable housing contributions from small sites would render them unviable, or otherwise undeliverable, to such a degree that local authorities should not seek to do so. The Council would point to its evidence, along with that of the London Plan and a large number of other London local authorities, as clear demonstration that this assumption is not always well founded.</p> <p>For these reasons, and in particular recognition of the need to significantly boost the supply of genuinely affordable housing to help those in greatest need, the Council would encourage the Government to consider a review of Paragraph 65 to allow local authorities to seek affordable housing contributions from small sites where this would contribute to meeting extremely high need. Necessary safeguards around viability and deliverability can be tested through the Local Plan process, as is already the case for wider affordable housing policies, to ensure policies are justified.</p>

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		Such a change would make the planning system fairer by providing greater opportunities for Boroughs like Richmond to maximise the delivery of genuinely affordable housing to the benefit of those in greatest need, without placing unnecessary burdens on small sites, which would only be required to make contributions where a policy can be shown to be deliverable through a Local Plan process, as is already the case for major developments.
62	Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?	<p>The Council broadly supports the changes proposed to paragraphs 86b) and 87 in that they provide express support for developments which meet the need of a growing, modern economy.</p> <p>With reference to the proposed change to Paragraph 86b), the Government may wish to consider whether such a requirement should be placed upon all local planning authorities, or only those with the right spatial characteristics. In Richmond, and London more generally, competition for land is intense and there are very few locations large enough to support new economic infrastructure at scale.. In this context, it is likely that the space and conditions needed to support new modern economic facilities such as those described would fall outside of London, and should be guided at a national and regional level to locations well-accessed by strategic transport infrastructure. Where there is a perceived need for such economic infrastructure within London, it is likely that the London Plan is the most appropriate framework for considering the distribution of such infrastructure.</p>
63	Are there other sectors you think need particular support via these changes? What are they and why?	The Council has no strong view on whether any particular sectors should be supported but acknowledges that the list of uses put forward is unlikely to be exhaustive and that there may therefore be value in maintaining a separate, easily-updatable list of appropriate sectors linked to wider national and regional economic plans and objectives.
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?	The Council broadly supports the principle of such infrastructure being capable of being directed into the NSIP consenting regime, subject to safeguards to ensure schemes cannot utilise the NSIP regime with the intention of circumventing or undermining local priorities and policies.
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?	The Council has no detailed observations to make on this question.
66	Do you have any other suggestions relating to the proposals in this chapter?	
67	Do you agree with the changes proposed to paragraph 100 of the existing NPPF?	Having access to sufficient and accessible public service and community infrastructure is a fundamental part of place-making and ensuring sustainable development. The Council supports the additional emphasis placed on the importance of public service infrastructure by the proposed amendments to Paragraph 100 in that they clearly demonstrate that new, expanded or upgraded public infrastructure should be afforded significant weight. The Council would seek to

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		emphasise that this should not only apply to public sector-led infrastructure but equally be applied when considering private developments which are expected to bring forward new infrastructure, or improvements to existing infrastructure.
68	Do you agree with the changes proposed to paragraph 99 of the existing NPPF?	The Council already gives consideration and weight to the need to plan for all forms of educational infrastructure and includes, within its adopted and emerging policies, specific measures to ensure such infrastructure needs can be met. Nevertheless, the Council would support the additional clarity provided by the changes proposed to Paragraph 99, including explicitly adding a requirement to consider the need for early years and post-16 facilities, alongside the need for school places.
69	Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?	The Council supports the principle of migrating towards a more vision-led approach to transport planning, and therefore supports the principle of the proposed wording changes. However it will be vital that local planning authorities are provided with appropriate guidance as to the approaches and techniques that the Government expects authorities to take to enshrine such approaches within their plans and decisions, and to allow for their strategies and policies to be tested appropriately and proportionately at Examination in Public. In this context, the Government should make appropriate changes to the planning practice guidance and other transport guidance to ensure authorities are able to develop a clear and unambiguous understanding of how a vision-led approach to transport planning should be reflected in policies and decisions.
70	How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?	<p>A: Planning has a key role in place shaping which supports the needs of the local community including quality of life, health and wellbeing. The Council recognises the need to create and support healthy communities by ensuring that we tackle inequalities, minimise health harms and help support physical and social-economic environments that help to promote the physical and mental health and wellbeing of our local population.</p> <p>The NPPF should continue to explicitly reference as a key theme the principle that developments should support the health and wellbeing of local communities. This includes development of a built and natural environment that is health promoting including creation of healthy buildings and neighbourhoods including appropriate social-economic infrastructure. NPPF should refer to how planning contributes to supporting the 'Wider Determinants of Health' and link this to sustainability goals and outcomes.</p> <p>B: Our local food environment can significantly influence what we eat and what types of food we have access to including affordability, this in turn influences our health including potential and ease of adopting a healthy lifestyle. The Council recognises that, like many parts of the country, there is an emerging obesity issue in the Borough particularly in children. Obesity amongst school age children is a</p>

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		<p>concern as evidence suggests that obese children are more likely to be obese adults when they are older and at increased risk of developing a number of health conditions.</p> <p>Fast food outlets including takeaways serve food that is often relatively cheap, nutritionally poor and high in sugar, salt, saturated or trans fats and contain processed preservatives and ingredients considered bad for health. Evidence demonstrates that regular consumption of commercial fast-food products can negatively impact health in both the short- and long-term.</p> <p>Over concentration of fast-food outlets can negatively impact on the health of local communities. Children, parents and carers are particularly vulnerable when fast food outlets are near schools due to ease of access, price targeting and marketing. The Council’s Local Plan, and the London Plan, both include specific policies which prohibit new fast-food takeaways within 400 metres of the boundaries of any primary and secondary school. The Government could explore applying this principle nationally as part of a healthy and accessible food environment theme, either as part of the NPPF or as part of any forthcoming National Development Management Policies.</p>
71	Do you have any other suggestions relating to the proposals in this chapter?	<p>The NPPF must prioritise the positive promotion of public health and wellbeing and acknowledge the intimate connections between health outcomes and the design and operation of the built environment in tackling health inequalities.</p> <p>Town planning has a major part to play in creating homes and neighbourhoods which enable healthy living, with vital long term cost reductions to the NHS and social care budgets. There needs to be an equal focus on reducing health inequalities which means national policy supporting local actions for those neighbourhoods suffering the worst health outcomes.</p> <p>Good and considered design can make a significant difference to people’s health and wellbeing. It can create better places in which to live, study and work, helping make development acceptable to communities. Effective engagement between applicants, communities, local planning authorities and public health teams from initial scoping and design to construction is essential to deliver healthy, appropriate and sustainable developments.</p> <p>The Council’s Local Plan has requirements for Health Impact Assessments (HIAs) for large schemes, including as part of enhanced Environmental Impact Assessments (EIAs). This is a useful screening tool to consider health and wellbeing impacts at the earliest stages of design and help deliver beneficial outcomes for local communities. Developers often however undertake this at a very late stage often treating it as a tick-box process when opportunities for design changes are extremely limited or cost prohibitive. The HIA process should be linked to pre-application processes to</p>

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		<p>help consider health inequalities and influence design at the earliest stages.</p> <p>We recommend that the NPPF includes wording that would act as a lever for Public Health teams and the local communities to input at the earliest stages of the development process including via use of HIA. This would ensure that local people benefit from developments which address local needs, this should include utilising insights such as data from the local authority including Joint Strategic Needs Assessments.</p>
72	Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?	The Council recognises that Richmond Borough is highly unlikely to ever host a large onshore wind project and so has no specific comments to make on this proposal.
73	Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?	<p>As part of a critical national need to decarbonise our energy system to address climate change, the Council supports measures to increase the country's renewable energy generation capacity at the earliest opportunity. The Council already gives significant weight to any proposal's contribution to renewable energy generation and a net zero future, and has recently published a Climate Emergency Strategy and Action Plan, which includes a number of complementary actions and commitments. Notwithstanding this general support, it is recognised that not every renewable or low carbon energy scheme will be appropriate for every scheme, and it should be recognised that there will remain instances where an unacceptable degree of harm to, for example, heritage assets would occur. In such circumstances, the Council takes a proactive approach to overcoming any conflicts but should remain empowered to negotiate, on matters such as scale and siting, and to give weight to competing considerations as part of an appropriate planning balance. In relation to historic buildings, the Council supports a whole building approach, in line with Historic England <i>Adapting Historic Buildings for Energy and Carbon Efficiency (July 2024)</i></p>
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?	The Council supports the principle of considering measures to restrict renewable energy development where this would damage carbon sequestering habitats, unless compensatory mechanisms can be secured.
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?	The Council recognises that Richmond Borough is highly unlikely to ever host a large onshore wind project and so has no specific comments to make on this proposal.
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?	The Council recognises that Richmond Borough is highly unlikely to ever host a large solar project and so has no specific comments to make on this proposal.

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77	If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?	The Council has no specific comments to make on this question.
78	In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?	<p>National Policy should take a proactive rather than reactive approach to addressing climate mitigation and adaptation. In this spirit, the Council's Local Plan includes an ambitious policy which requires development to achieve high standards of sustainable design and construction in order to mitigate the effects of climate change, including a requirement to achieve prescribed fabric efficiency standards and achieve compliance with industry standards (such as BRE Home Quality Mark and BREEAM), submit a Sustainable Construction checklist, incorporate the London Plan's circular economy principles at the start of the design process and to submit a Whole Life Cycle Assessment.</p> <p>Furthermore, the Council's Local Plan requires all new developments to achieve zero carbon standards, as set out in the London Plan, with a minimum on-site reduction of 35% for minor changes of use and conversion and all other new developments achieving a minimum on-site reduction in carbon dioxide emissions of 60%.</p> <p>At present, Building Regulations stop well short of the levels needed to deliver appropriate climate change mitigation and adaptation at the pace needed to achieve net zero ambitions. This is further frustrated by the recent Written Ministerial Statement issued by the previous Government which sought to prevent local planning authorities from setting energy efficiency standards in excess of Building Regulations, despite it being lawful to do so.</p> <p>National Policy should also support retrofit for climate resilience, and not underestimate the impact of domestic retrofit in the journey to net zero. National Policy could do this by requiring a retrofit first approach to development over demolition and redevelopment of sites.</p> <p>The Council would strongly support further changes to the NPPF, planning legislation and the Building Regulations, as appropriate, to mandate net zero carbon development at the earliest opportunity and which require all authorities to set ambitious climate change policies through their Local Plans, such as those set by the London Plan and the Council's Local Plan.</p>
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?	<p>In-Use Regulated Energy: The technological readiness and availability of tools for the in-use regulated energy consumption of buildings is well developed in the form of SAP (for domestic) and BRUKL (for non-domestic). These have been used successfully to help make planning decisions and local plan policies as well as to defend them against complainants. These methodologies do have flaws/unreasonable assumptions in specific circumstances, but these are now well-known allowing Energy Officers to</p>

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		<p>account for them in their recommendations. Up until recently the most relevant problem with these methodologies was, they had inbuilt badly out of date figures for the carbon intensity of grid electricity. [ot1] Therefore more frequent updates to these Carbon Factors should be a priority. These methodologies have also been used to guide and justify ambitious targets in our local plan.</p> <p>Unregulated Energy: Whilst gathering real world in use data on this is helpful to refine large scale de-carbonisation strategies, we don't consider any current or proposed tool useful for individual applications as it depends so heavily on occupant fit-out and behaviour which is outside the developers and planner's control. As such, it doesn't seem sensible to include in planning discussions and varies so widely that any metric which includes it has to contain so many assumptions as to be almost meaningless.</p> <p>Construction/end of life/maintenance: The RICS WLC methodology's second edition came into effect on 1 July 2024. The methodology has been developed by Royal Institute of Chartered Surveyors (RICS) and has been adopted and implemented by the GLA. The GLA have had their own consultation from which there are a number of key takeaways. These include the need for further and more detailed guidance to ensure greater consistency and we would support these changes being implemented not just within London but nationally to help grow industry familiarity and skill with the process.</p> <p>On the whole this approach has proven its usefulness to planning and has frequently helped developers to notice and implement potential overall carbon savings such as in the choice of materials or plant and for Energy Officers to confirm/query that proposals are optimised for long term carbon saving. In this regard it would be beneficial to expand the requirements to conduct these assessments to cover more development types and sizes and grow industry experience with them. In particular a version of the methodology for minor developments.</p> <p>The usefulness of this tool could be greatly expanded by greater standardisation and auditing in the same way as SAP/BRUKL allowing planners greater confidence in the results. This is especially needed in cases where both refurbishment and demolition/ rebuild are options.</p>
80	Are any changes needed to policy for managing flood risk to improve its effectiveness?	The Council welcomes the opportunity to consider changes that could be made to the 'Planning and Flood Risk section' of the NPPF, which at present is considered to not be sufficiently user friendly, and in many parts, is particularly unclear. The Council would support clearer guidance on how to use the sequential and exception tests, and the policy could better link to the PPG, in

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		<p>particular to the sequential and exception tests, and the vulnerability classifications.</p> <p>The Council considers that paragraph 167 should specifically identify blue infrastructure/water reuse as a way to reduce the causes and impacts of flooding</p> <p>The NPPF allows for developments within the flood plain when developers on smaller sites can prove that this is the only possible location within their site to build. These developments can allow for significant cumulative impacts on the flood plain to occur. This should be given further consideration when revising the policy.</p> <p>The NPPF should specify that developers have to take in to account the local authority's Strategic Flood Risk Assessment. It should also specify how often these SFRAs should be updated, or any appropriate triggers for an update.</p> <p>The Council would support amendments to Footnote 59, in particular to acknowledge that the use of phrases such as 'increased flood risk' and 'critical drainage problems' are subjective and open to broad interpretation.</p> <p>With reference to Paragraph 175, the Council would support the use of more definitive language around the points outlined in this paragraph to ensure it is clear that developers must follow these policies. For example, the Council would support the removal of the phrase 'where possible' from (d). This paragraph should also consider any future changes that will take place with the implementation of Sustainable drainage Approval Bodies (SABs).</p>
81	Do you have any other comments on actions that can be taken through planning to address climate change?	
82	Do you agree with removal of this text from the footnote?	Given there is little agricultural land in the borough, the Council has no specific comments to make on this proposal.
83	Are there other ways in which we can ensure that development supports and does not compromise food production?	Given there is little agricultural land in the borough, the Council has no specific comments to make on this proposal.
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?	At a process level, the Council has no specific comments to make on this proposal. However, the Council would note its position on the Teddington Direct River Abstraction (TDRA) project, which would require a Development Consent Order, particularly in relation to water quality concerns and the likely impacts of what are proposed to be a range of significant construction sites on valuable open spaces within the borough. In this context, we would be concerned that the

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		proposal to bring more water resource developments into the scope of the NSIP regime may come at the expense of opportunities for local involvement. It remains imperative that local authorities remain empowered to ensure that local needs and priorities are given significant weight in any process.
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?	The Council has no specific comments to make on this question.
86	Do you have any other suggestions relating to the proposals in this chapter?	
87	Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?	<p>The Council strongly supports a plan-led approach to development and recognises that up-to-date and ambitious Local Plans will be vital to delivering the scale of housing and infrastructure growth required to address the housing crisis, whilst ensuring appropriate safeguards and enhancements for the natural, built and historic environments.</p> <p>The Council considers that having clear, published criteria on how and when the Government may intervene in local planning processes would be considerably more helpful than having no set criteria. Whilst the Council understands that the added flexibility that having no set criteria may afford could be seen as attractive, it would be concerned that a lack of criteria may lead to arbitrary or inconsistent decisions being made on plan interventions, some of which may not reasonably be foreseen by affected authorities, and to which the prospect of intervention therefore fails to act as an incentive. The Council therefore supports the intervention criteria published in the consultation document insofar as they create a clear and unambiguous expectation that authorities should bring forward timely Local Plans which address their development needs and that is a failure to do so that risks intervention.</p>
88	Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?	As above, the Council would not support the complete withdrawal of the intervention criteria on the basis of the prospect for greater inconsistency and arbitrariness this may cause.
89	Do you agree with the proposal to increase householder application fees to meet cost recovery?	<p>The Council welcomes the recognition within the consultation of the need for local planning authorities to be appropriately resourced in order to provide a high-quality planning service and to make timely planning decisions to support the Government's priorities for economic growth, infrastructure and housing delivery.</p> <p>At present, householder planning fees do not generate enough income to cover the full cost of applications. The Council notes the Government's own estimate that the overall funding shortfall for local planning authority development management services is £262 million across the country.</p>

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		<p>The Council therefore strongly supports proposals to increase householder application fees to better meet cost recovery. As a starting point, it supports the proposal to increase fees to £528 but notes this may continue to be insufficient to cover costs in some cases, particularly in areas like London where authorities incur higher relative costs such as salaries to remain competitive. The Council would therefore encourage the Government to keep fees under review with an overall objective that they should raise over time to meet cost recovery levels, evidenced through real data.</p>
90	<p>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.</p> <p>If Yes, please explain in the text box what you consider an appropriate fee increase would be.</p>	<p>As above, the Council would support measures to increase householder application fees to a level necessary to meet full cost recovery. As a starting point, it would support the proposal to increase fees by two times, i.e. to £528, but considers this should remain under review to ensure it is increased continually to a full cost recovery level, evidenced through real data.</p>
91	<p>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?</p> <p>Yes No – it should be higher than £528 No – it should be lower than £528 no - there should be no fee increase Don't know</p> <p>If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.</p>	<p>Please see answer to Question 90</p>
92	<p>Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.</p>	<p>The Council considers there are a range of applications where the current fee is inadequate, including applications for prior approval and often applications to discharge conditions. The Council also agrees with the Government that reform to the fees charged for Section 73 applications should proceed, including the proposal to set the fee for Section 73 applications to match at least that which is set for Section 73B applications.</p>
93	<p>Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.</p>	<p>As a general principle, the Council considers that all applications for which local planning authorities incur costs should be charged an appropriate fee reflecting the level of work required. This includes listed building consents, demolition in conservation areas and to protected trees.</p> <p>Were the Government to consider it appropriate to maintain the current justification for setting no fee in some instances, i.e. the stated principle that restrictive designations confer burdens that are in the public interest that cannot be 'opted out' of, it could seek to introduce a reduced fee, set at</p>

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		perhaps half of cost-recovery levels. The Council would suggest that the Government evaluates whether this justification truly exists in practice however, given that in many cases the owners or developers benefitting from feeless applications will have made decisions in full recognition of the designations which apply and hence would have arguably 'opted in'.
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.	The Council considers that further examination of the ability for local planning authorities to set local fees would be useful. This would allow local planning authorities to pursue fees that recover the actual fees incurred by that authority in determining planning applications, inclusive of localised costs e.g. the need to compensate for higher operating costs in areas like London.
95	What would be your preferred model for localisation of planning fees? Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee. Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally. Neither Don't Know Please give your reasons in the text box below.	The Council supports the principle of allowing fees to be set locally, as this would allow authorities to set fees at rates which reflect local costs. This would be particularly important in London Boroughs where costs, such as salaries, are often higher. There is a risk in any national approach that it perpetuates existing challenges whereby the national fee regime must remain appropriate across every area in the country, and therefore must be set at relatively low rates. However, the Council recognises that full localisation of fees may lead to increase variation and complexity and that in order to ensure balance, local planning authorities would likely benefit from a national formula through which local fees could be set, or a national set of minimum / maximums with appropriate geographic variation.
96	Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services? If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?	<p>The Council supports the principle of increasing funding for wider planning services to reflect the fact that non-fee attracting services, including plan-making and planning enforcement, have a fundamental role in unlocking growth and maintaining quality of standards. The Council would support the Government exploring whether this is best achieved through the application fee system, whereby applicants could pay a fee slightly in excess of cost recovery levels as a contribution towards wider services, including planning policy and enforcement teams, as well as proportionate contributions to wider public sector services which support effective development management functions, including, but not limited to conservation and urban design, sustainability, viability, transport strategy, ecology and biodiversity, community engagement and lead local flood authority services.</p> <p>As part of this approach, the Council does not consider a distinction between major and other applications would be appropriate. Alternatively, the Government may wish to consider other ways wider planning services could attract appropriate fees, such as reinstatement of past Government funding awarded to authorities who reached key stages in plan development – this would also further incentivise boroughs to prepare Local Plans and keep them up to date.</p>

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97	What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?	The Council considers this should include all services which contribute to the effective delivery of the planning system, including planning policy and planning enforcement teams, as well as proportionate contributions to wider public sector services which support effective development management functions, including, but not limited to conservation and urban design, sustainability, viability, transport strategy, ecology and biodiversity, community engagement and lead local flood authority services. Please see response to Question 96 for more details.
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?	The Council would support cost recovery for local authorities in relation to applications for development consent orders. The Council agrees that engagement with the development consent process can be time-consuming and resource intensive, and whilst the local authority is not the planning authority for such proposals, it retains an important role in ensuring the development proposal responds to local needs and issues and does not compromise or otherwise undermine the Local Plan and other local strategies for the area. In practice, this engagement will often include significant time taken to review proposals, participate in meetings, provide iterative feedback on proposals as they develop, and participate in formal procedures. Often authorities will need to seek cost recovery through discretionary Planning Performance Agreements, however these can be uncertain and require lengthy negotiations and re-negotiations. The Council would therefore support an automatic right to receive a fee for local authorities engaging with Development Consent Orders which should aim to recover their full costs.
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.	The Council considers that local authorities should be able to recover costs for their full involvement in development consent order proposals, including the time taken to review proposals, provide iterative feedback, and the time required to participate in formal procedures. The Council supports the proposal to allow host authorities to waive fees where planning performance agreements have been agreed, provided that a fee is defaulted to where planning performance agreements cannot be negotiated.
100	What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?	The Council considers that a standard fee proportioned to the scale of the development proposal should be introduced, either through a national fee regime or through local fees, subject to the provisions set out in the Council's response to Question 95. The fees set should be set at a level which aims to recover the host authority's costs, although it is recognised that some proposals will naturally require more input than the average and therefore this may not always be possible. Where local authorities expect to incur costs in excess of the set fee, they should remain empowered to seek additional discretionary funding via negotiated planning performance agreements with developers.
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	Please see the Council's response to previous questions in this chapter.

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	particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.	
102	Do you have any other suggestions relating to the proposals in this chapter?	The Council has no other observations to make on the proposals in this chapter.
103	Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?	As discussed in its response to other questions in this consultation, the Council's emerging Local Plan is currently at Examination, with the hearing sessions recently concluded. The Council supports the proposed measures which allow its plan to continue to be examined under the current NPPF.
104	Do you agree with the proposed transitional arrangements?	The Council broadly supports the proposed transitional arrangements for making further plan-making reforms, acknowledging that it is important that sufficient time is allowed to introduce new regulations under the Levelling-up and Regeneration Act, or any new Planning and Infrastructure Act, before withdrawing the current plan-making system.
105	Do you have any other suggestions relating to the proposals in this chapter?	<p>Whilst not directly within the scope of this consultation, the Council would like to reaffirm comments made in consultations held under the previous comments regarding National Development Management Policies and digitisation of the plan-making system.</p> <p>The Council would like to reiterate the significant challenges that the government would face in respect of defining nationally coherent development management policies that are fit for use and application across the whole of England. With so much variation across the country, it is of utmost importance that there is flexibility for local planning authorities to add extra considerations or value to such policies where local circumstances can be shown to justify such an approach. The Council would also like to see a mechanism introduced for not applying certain NDMPs, where there is local evidence and justification, tested through a Local Plan examination, which would allow the authority to take a different approach.</p> <p>Whilst the Council supports the principle of greater digitalisation in the planning system, it would also like to see consideration of how potential challenges to digitalisation can be overcome. We are concerned that the focus on digitalisation of plans could have negative consequences for accessibility, such as screen-readers or other such technology, and we would welcome formal guidance for incorporating accessibility in digital plans. We also feel that to get the most out of digitalisation, there should be funding to ensure staff have the necessary skills. For example, to prepare visualisation of data. Processing consultation response is one of the biggest resource drains / ineffective use of time for planners involved in plan-making. Currently there is no solution on the market to deal with a mix of responses and to enable their effective analysis. Quite often Officers are forced into using a variety of methods to carry out their analysis effectively and is often highly</p>

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		counterproductive. Any emphasis on a shift towards using digital technology to assist with this issue would be welcome and would assist the market in its delivery of a tool which is fit for purpose.
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?	<p>The proposals set out within this consultation have the potential to impact upon individuals or groups with a protected characteristic in a broad manner of ways. The Council considers that any reforms undertaken by the Government should be guided by principles of fairness and a full Equalities Impact Assessment. To support this, the Council would recommend that the Government considers the impacts of the proposals on socio-economically disadvantaged groups. The Council notes adopting the socio-economic duty was part of the Labour manifesto. The Council voluntarily adopted the socio-economic part of the Equality Duty last year, which means we will consider socio-economic disadvantage alongside other protected characteristics.</p> <p>Notwithstanding the above, in recognition that a number of the proposed reforms relate specifically to housing, the Council would like to state its general support for measures aimed at increasing the supply of housing, particularly genuinely affordable, social rented housing. It is well known that the availability of a quality home, which meets the needs of its occupiers, is a foundation of a healthy and stable life. The national housing crisis, which can be observed in places like Richmond, has far reaching consequences for life and opportunity outcomes for our communities. These consequences often disproportionately affect those with protected characteristics. In this context, there is a significant opportunity available to the Government through making appropriate reforms to the planning system to increase equality of opportunity and create fairer places.</p>