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

The previous standard assessment process did not reflect sufficiently the variation in the nature of the hugely differing areas of the UK. Epping Forest District is covered by approximately 92% Green Belt designation (all of which has been assessed for its contribution to the purposes of the Green Belt). The resulting available land supply is very limited and a standard assessment process risks over intensification of available sites during the Local Plan process. It can be evidenced in Epping Forest already that applications are being recommended for approval contrary to the objectives and policies of the Local Plan, with planners favouring flatted developments with no affordable housing on any windfall sites in order to achieve a housing target. Instead windfall sites should deliver policy compliant proposals but, certainly in EFDC this is not happening.

The proposal to replace the standard assessment process with a calculation based on 0.8% of the current housing stock of the area is supported but there are concerns that the proposed uplift (based on a three-year average of the median workplace-based affordability ratio, with an increase of 15% for every unit above four) does not take into account realistic available capacity or other factors that influence affordability such as rental costs, sustainability and location

Solution: Any uplift above a percentage of current housing stock should not be a blanket figure calculated on the median workplace-based affordability ratio but should also consider viable land supply and other factors that influence affordability. Given the importance of Green Belt and the contribution it makes to air quality around major cities, the amount of designated Green Belt within any PA identified as making a high or very high contribution to any of the purposes of the Green Belt must be a factor when calculating any uplift

Question 2
Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

A justified alternative approach may be necessary for those areas that have exceptional circumstances.

Solution: Planning authorities with a high amount of designated Green Belt should be able to use an alternative approach if over 60% of land within the authority is designated as making a high or very high contribution to any of the purposes of the Green Belt

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

The allocation of the uplift to the 20 most populous centres and the alternative proposed he median workplace-based affordability ratio uplift warrants further scrutiny. There may be merit in applying a higher uplift percentage to cities and urban centres, but questions arise about the logic of applying a fixed percentage to just 20 areas. This creates a 'cliff edge' effect, with similar locations falling on either side of what may seem like an arbitrary threshold. For example, outside the top 20, there are four other cities with populations exceeding 200,000, including Portsmouth and Norwich, and places like Milton Keynes with obvious growth potential. This suggests the previous approach was rather blunt.

Except for London, the 35% housing uplift is applied to the Local Planning Authority (LPA) with the largest population within each of the top 20 defined cities or urban areas. The Government aimed

to direct this uplift to the most populous regions to encourage sustainable, brownfield development. However, this method overlooked how city boundaries aligned with LPA jurisdictions and disregarded practical limitations on development within these areas.

In some cases, this approach is logical. For instance, the urban areas of Hull and Wolverhampton align with their LPA. In these cases, the uplift applies to the majority of the city, avoiding areas outside the urban limits or beyond the control of the LPA.
In other cases, the approach seems less effective. For example, only Manchester City Council receives the 35% uplift, despite Manchester's central area being closely integrated with nearby Salford and Trafford, which are excluded. This is problematic because these areas may have more brownfield land or better locations for development than some southern parts of Manchester City's jurisdiction. It also raises a broader question: why is the Greater Manchester urban area, including Bolton, Bury, Rochdale, Salford, and Stockport, treated differently from London, where all 33 boroughs and the City of London are subject to the uplift?

Bradford presents a different challenge. The Bradford LPA covers a much larger area than the urban zone itself. While the 35% uplift provides opportunities to meet the increase, Green Belt restrictions limit these options, confining development in the city's outskirts or rural areas.
A similar issue arises when significant portions of a functional city fall outside the LPA's boundary, as seen with Manchester. In Bristol, much of the eastern city, including areas with previous Green Belt releases that met a large portion of housing demand, lies outside Bristol City's LPA and is not subject to the uplift. Similarly, large areas in the north of Bristol are outside the city's boundary and not accounted for in the Office for National Statistics' (ONS) 'best fit.' Nottingham faces comparable challenges, with large parts of its urban area falling outside its City Council's control. These examples highlight the limitations and inconsistencies in what determines or constitutes a city or urban area, as well as the differing strategies available to various LPAs for meeting the 35% housing uplift.

The 35% uplift makes no consideration of the actual availability of land in the area. Brighton is hemmed in by the sea to the south and a National Park to the north, while Reading has already expanded to its limits, with much of its growth relying on land in neighbouring local authorities. So, where can this additional 35% be accommodated? Using a blanket assessment where uplift can be applied means the duty to cooperate will need to play a significant role in local plan preparation and this in turn risks slowing the whole strategic planning process process in urban areas.

Solution: Rather than the existing 20 locations or a fixed blanket uplift according to median workplace affordability across all areas, further factors need to be considered when applying any uplift over the 0.8% of existing housing stock with uplift being concentrated in cities, towns and major urban areas. The possibility of each area being subject to a variable percentage uplift based on the median workplace-based affordability ratio, with a sliding scale or bands based on population size and a realistic urban capacity, ensuring the uplift is proportionate to the size of the area and available land. This could then include other major urban areas with more potential for additional development (such as Milton Keynes) which are not currently included in the 20 sites currently designated for uplift.

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

No

The definition of "urban" is currently vague but does in this form offer some protection to areas defined in their Local Plan as a large or small village. Epping Forest is unusual in that it is served by

TfL's Central line yet is 92% Green Belt with most of the settlements being described in the Local Plan as being small or larges villages and only two defined Town Centres (Epping and Loughton). However, they are misrepresented as being urban by developers, resulting in proposals for increased densities and residential built form that is wholly out of character in areas that are not well served by transport and other infrastructure.

It is the objective of planning policy to prevent residential built form that is wholly out of character with the area; as such paragraph 130 should remain

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

Yes, although it must be noted that many local authorities, EFDC included have yet to produce the localised guides promised in the Local Plan. In the the absence of localised guides, the NPPF should be clear that district wide design coding must be the starting point

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

The EFDC has an adopted Local Plan. Yet we can supply evidence of the "presumption in favour" argument regularly being presented by developers in EFDC when submitting applications and appeals for sites not allocated in the adopted Local Plan and that do not not comply with Local Plan policies. If the "presumption in favour" is to be strengthened it must be made clear that this will **only** apply when there is no draft or adopted Local Plan in place.

Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

No - In our experience the requirement to continually demonstrate a five year supply has encouraged developers to land bank sites, both with and without planning permission, in order to control the supply of delivered housing. The withholding of even one permitted site can severely impact on the five year supply of smaller PAs. If the five year supply cannot be demonstrated, there is then a flurry of applications and amended applications for land banked sites that are not policy compliant in terms of affordable housing, sustainability, or housing mix but propose a large number of inappropriate (often flatted) units. These are recommended for approval by planners, despite not meeting policy - for example 35 flats with no affordable on site provision or off site contribution - it is suspected in part because the number of units proposed will go towards meeting the five year need plus any buffer

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

No - the proposal is contrary to the wording of paragraph 76 which the government is not proposing to amend. If the government is considering reintroducing five year supply it should consider as satisfactory evidence, any authorities whose adopted plan is less than five years old and the adopted plan identified at least a five year supply. This wording should remain in paragraph 76

Whilst strong delivery records should be celebrated, LPAs should not be penalised for previously over achieving. It should remain that any LPAs that may have over delivered in the past (and it will

only be the most efficient and determined LPAs) can set previous over supply against upcoming supply.

Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

No - This would immediately make all existing draft and adopted Local Plans very vulnerable to challenge by developers. The proposals, allocations and agreed housing need figures in them, all of which already include an additional windfall figure could all be challenged in the light of new NPPF guidance requiring a 5% buffer

Again there is no consideration when applying a buffer figure in that proposal of population size, realistic urban capacity, percentage of district land that makes a high or very high contribution to the purposes of the Green Belt within the PA.

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

Should not apply

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

Independent assessment of housing supply is essential and whatever methodology is used should not leave the LPA open to challenge by developers

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

Yes - improved community engagement, including Town and Parish Councils, should be mandatory

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

No comment

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

No comment

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

The proposal to replace the standard assessment process with a calculation based on 0.8% of the current housing stock of the area is supported but there are concerns that the proposed uplift (based on a three-year average of the median workplace-based affordability ratio, with an increase of 15% for every unit above four) does not take into account realistic available capacity or other factors that influence affordability such as the increased mortgage multiples available which can vary according to employment sector with higher multiples of 4.5 generally available with 5-6 available to certain careers or sectors such as the public sector or medicine

Solution: Any uplift above a percentage of current housing stock should not be a blanket figure calculated on the median workplace-based affordability ratio but should also consider viable land supply, realistic available urban capacity and other factors that influence affordability such as rental costs, sustainability, location and calculated using a higher mortgage multiple figure. Given the importance of Green Belt and the contribution it makes to air quality around major cities, the amount of designated Green Belt within any PA identified as making a high or very high contribution to any of the purposes of the Green Belt must be a factor when calculating any uplift

Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?

Any uplift above a percentage of current housing stock should not be a blanket figure calculated on the median workplace-based affordability ratio but should also consider viable land supply as well as other factors affecting affordability and calculated using a higher mortgage multiple figure. Given the importance of Green Belt and the contribution it makes to air quality around major cities, the amount of designated Green Belt within any PA identified as making a high or very high contribution to any of the purposes of the Green Belt must be a factor when calculating any uplift

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

No - realistic available capacity or other factors that influence affordability such as rental costs, sustainability, land availability location and higher mortgage multiple figures are not considered.

The calculation is too simplistic and does not evidence how the method will adjust the stock baseline and ratio or direct more homes to where they are needed. The government can set all the targets it wants - this method gives Kensington and Chelsea an adjustment factor of 21.2 while Liverpool has an adjustment factor of 2.29 - but it is still not explained why it will be demanded than so many more affordable houses will be built in K&C than Liverpool or, more importantly, how that will happen, given the realistically available land in both places

We can build more housing by the simple factor of ensuring the policies we have are properly adhered to - until that happens, no number of new policies will cause a noticeable improvement

Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

Yes. No

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

The whole idea of assessing need is pointless when the process falls at further hurdles in the planning process, namely the ability of developers to all too easily avoid affordable housing due to dubious viability statements and then implement a planning permission at little cost, thus enabling them to land bank or sell the site on.

Given the importance of Green Belt and the vital contribution it makes to air quality around major cities, the amount of designated Green Belt within any PA identified as making a high or very high

contribution to any of the purposes of the Green Belt must be a factor when calculating any housing need or uplift

A lack of clear guidance for calculating the number of new dwellings needed caused issues. Consultancies moved into this vacuum and, using opaque methods, have come up with higher figures, which make it harder for councils to find enough land, leaving them open to hostile planning applications from developer

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

The government is allowing itself to be confused over previously developed land and "brownfield" sites". All planning authorities should have a Brownfield Register - this is a list of previously developed land within their district considered suitable for development. It is not in Green Belt land, indeed many LPAs have no Green Belt within their boundaries although they still maintain Brownfield Registers.

Previously developed land can be anywhere; PDL in Green Belt is sometimes wrongly called brownfield land. Developers try to muddy the water and the two get easily confused. For the sake of clarity the phrase "brownfield"should be avoided when talking about PDL in Green Belt.

This government is considering proposals to relax restrictions on PDL in Green Belt. This proposal presents considerable risk to the Green Belt and its purposes.

The consultation refers to car parks and petrol stations in Green Belt - in reality there are very few of these and the vast majority have already been developed under the existing NPPF. Paragraph 143 e) of the current NPPF states one of the five purposes of the Green Belt is "To assist in urban regeneration by encouraging the recycling of derelict and other urban land". This is effectively used by planners and developers to allow development on previously developed Green Belt. The argument successfully used during the planning process previously is that by nature of being previously developed, the impact of the openness and harm to the Green Belt of any new proposal is not substantial.

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

No - it is far too general and open to abuse by developers. It has to be remembered that unlike in urban areas, residential garden land in Green Belt is considered PDL. And these "gardens" can be very big indeed. The relaxation on PDL will undoubtable lead to an increase in developments of gardens outside of settlements. The adverse impact of these on the Green Belt and the lack of sustainability in terms of transport cannot be underestimated. It should be remembered that the Court of Appeal ruled (Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610) that new homes cannot be considered "isolated', in the context of the NPPF if there is other dwelling nearby even if they are far removed from a settlement.

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

• openness is capable of having both spatial and visual aspects – in other words,

the visual impact of the proposal may be relevant, as could its volume;
• the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
• the degree of activity likely to be generated, such as traffic generation.

The proposed changes to paragraph 154g

The current permitted development process allows for outbuildings ancillary to a dwelling in gardens covering up to 50% of the curtilage without any requirement for planning in Green Belt.

A residential garden in Green Belt is currently considered previously developed land under planning law. We have recently seen a householder in Green Belt receive a lawful development certificate for two outbuildings, a gym and pool house, with a total footprint in excess of 350 m sq (EPF`/0418/24) Previously a gated development of several luxury houses was refused on this land due to the substantial harm it would cause to the Green Belt. This change would mean that the replacement of these outbuildings with the previously refused houses is now not inappropriate. Removing the protection

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

The expansion of the definition of PDL is dangerous. Residential gardens in Green Belt are already ruled to be PDL (unlike in built up areas) and there is a mechanism for allowing development on hardstanding and glasshouses in Green Belt.

The Dartford case concerned the definition in the Glossary to the National Planning Policy Framework of “Previously Developed Land” and in particular the exclusion of "land in built-up areas such as private residential gardens, parks, recreation grounds and allotments". Dartford BC challenged a decision of one of the Secretary of State’s Inspectors which had held that the site of the proposed development in that case, which was in the countryside rather than a built-up area, was previously developed land since it was within the curtilage of an existing dwelling and not caught by the above-quoted exclusion. Dartford BC’s case was that to treat residential gardens in built-up areas as excluded by PDL but not to treat residential gardens in the countryside as PDL, was illogical and the Supreme Court upheld this.

The “openness” of the Green Belt is already vulnerable under the current NPPF. An amend should be considered that allows planners to deem development adjacent to the Green Belt inappropriate because of a visual impact that occurs both inside and outside of the Green Belt.

There is no indication that the risk of creating an isolated form of development has been considered or whether a site is of high environmental value or whether the proposed use and scale of a development is appropriate to the site’s content.

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

There is a contradiction in that land performing strongly against purpose 5 is suitable for development. There is nothing in the proposal for “grey belt” that would protect and prevent open fields - purpose 3 is too vague and non specific and if that was the only strong purpose (which would be the only contribution made by open fields away from settlements and historic areas or by gardens) it would not protect high quality Green Belt from speculative applications

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

The definition "substantial built development" is wide open to abuse. The current permitted development process allows for outbuildings ancillary to a dwelling in gardens covering up to 50% of the curtilage without any requirement for planning in Green Belt. It is already too easy to get a change of use to incorporate virgin Green Belt within the curtilage of an existing dwelling

A residential garden in Green Belt, no matter how big, is already considered previously developed land under planning law (. Just one example of how this is being abused; we have recently seen a householder in Green Belt receive a lawful development certificate for two outbuildings, a gym and pool house, with a total footprint of over 350 sq m in their "garden". Previously a gated development of several luxury houses was refused on the same land due to the substantial harm it would cause to the Green Belt. This proposed change would mean that the replacement of these outbuildings with the previously refused luxury houses is now not inappropriate. The only beneficiaries to removing the protection to the openess of the Green Belt from harm are land owners and developers.

Permitted development currently allows for up to two stories to be added to a building without planning permission. In Green Belt this enables a large country mansion to becoming much, much larger. An application is then submitted to replace the permitted volume in Green Belt with several smaller country mansions. It is is argued these have less impact on the openness than the four or five story megalith allowed under PD which is described as the fallback position although of course it is never built

It is essential that permitted development rights in relation to adding storeys and outbuildings are withdrawn for Green Belt residential properties as part of any amendment to the NPPF as they are far too open to abuse, whether or not development on PDL in Green Belt is relaxed

The impact on the openness of Green Belt is a crucial protection that has prevented unsuitable and speculative development proposals and removing that requirement will be a significant mistake

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

Planning Practice Guidance is often ignored when it suits. Any Green Belt land which is the subject of a planning application and is not in the Local Plan yet is identified as potentially making a limited contribution should be the subject of an independent assessment not carried out or commissioned by the developer. It should be commissioned by the legal or environmental department of the LA (no the planning department who may not be neutral on the matter) and the cost passed on to the developer. Neither the developer or planning officers should know the name of the company carrying out the assessment.

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

The guidance is not appropriate and the proposed changes to the glossary of the NPPF will increase the risk of challenge by developers looking to build on undeveloped Green Belt. The

concept of “Grey Belt” is one that will be eagerly pounced on by developers and landowners looking to turn a profit. By

There are five purposes to the Green Belt and Green Belt methodology statement rates the risk of harm to each of the purposes of the Green Belt of development in each parcel of Green Belt.

The purposes are;

1. To prevent the sprawl of large built-up areas
2. To prevent neighbouring settlements from merging into each other
3. Assist in safeguarding the country from encroachment
4. To preserve the setting and special character of historic towns
5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land

It must be remembered that GB assessments are generally carried out on parcels of land not individual sites and there can be different characteristics across a parcel. Individual site specific assessments take place during the process to move a Green Belt boundary as part of a Local Plan.

The question is, what is a strong contribution and in whose opinion. We have had developers claim that a large “garden” in Green Belt does not make a strong contribution to any of the five because its isolation and distance from a settlement means it is not preventing sprawl or protecting merging. It is not encroaching because it is already PDL. The only protection undeveloped Green Belt has in these circumstances is that harm cannot be caused and the openness must be protected

It is not possible for much of the Green Belt to contribute to purpose 4 and, if it does not contain derelict or other urban land, purpose 5. Indeed if it does contribute strongly to purpose 5 by recycling derelict then, by your own definition at 10a) it cannot be used as it contributes strongly to a Green Belt purpose. Item 10bii) is already covered as a purpose in the Green Belt although again it must be remembered that it is often physically impossible for large areas of Green Belt away from settlements to contribute to this purpose.

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

No

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

No, by prioritising PDL the move by landowners and developers will be to develop the gardens of residential houses in Green Belt where previously the development would been inappropriate due to the the harm to the openness.

So called “grey belt’ is already available for development and relaxation of the protections to ensure the overall GB is is not harmed will result in damage with limited benefit

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

The Green Belt was created in 1935 and is viewed as the "lungs" of a metropolitan area. The proposal will fundamentally undermine the function of the Green Belt particularly in areas close to urban limits. More focus should be put on air quality (which should require more mitigation than happens currently in EFDC where a contributor of about £60 per dwelling is considered enough to mitigate an air quality impact.

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

The risk of allowing Green Belt to be developed on or removed from Green Belt outside the plan process is open to abuse by officers and developers

There is no point in having new policies when the lack of oversight and accountability means officers can choose not to enforce existing ones. The decision making needs to be much better monitored. Certainly in EFDC affordable housing is not being built because planning officers do not enforce policy. For example, a single EFDC planning officer recently negotiated a £200K affordable housing contribution from a developer for a 14 unit development on Green Belt. This despite the Council's own independent viability assessor finding there was a £3.5million surfeit after the provision of 40% affordable housing rather than the loss the developer claimed. Planning officers chose not to publish the independent report or inform the Planning Committee or the Council's own Affordable Housing officer of this. The site in question was not in the Local Plan having been rejected as not suitable in 2018. An FoI has shown subsequently it appears a planning officer added the site to the Council's Brownfield register in 2020 despite this not being considered appropriate, according to meeting notes released. No evidence that due process was followed has been forthcoming

The reality is that the Green Belt needs all the protection it can get from developers, planners and others with vested interests. Downgrading Green Belt land or weakening it's protections will not lead to more affordable housing - it will however make it far easier for unscrupulous land owners, developers looking to avoid their obligations and weak planning departments to develop on virgin Green Belt.

We are currently investigating the inclusion as a site in our Local Plan which was adopted in 2023, high value undeveloped Green Belt that was deemed not appropriate to progress for allocation due to the harm it would cause during the independent assessments carried out in 2016-2018 by ARUP. It was not included in the consultation version of the Local Plan sent to residents but was included in the submission version of the Local Plan without authority. The PA cannot explain how it came to be included for 104 units when no capacity assessment was carried out. There is currently an application in (EPF/0942/24) for 144 units (with no on site affordable housing) on the same unreviewed site which officers appear minded to recommend for approval.

We know a thing or two about this in Epping Forest, being made up of 92% Green Belt. We form part of the lungs of London and are under assault constantly. We have seen the tricks, the dubious arguments and the rush towards profits to the detriment of our affordable housing.

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

The reality is that PDL in Green Belt is already being released during the plan-making and decisions making process. These proposals will simply mean that previously undeveloped Green Belt land

that was assessed and not included in Local Plan due to the substantial harm development will be targeted anew by developers.

Green Belt land becomes PDL drip by drip. Currently, the refusal of planning for a "natural burial ground" on Green Belt open fields on the outskirts of Chigwell is being appealed. The developer has no wish to operate a burial ground but a planning approval for this change of use will then support an argument that the land is previously developed Green Belt even though the cemetery will never go ahead.

Meanwhile an application for 150 units on the same site is being prepared with no affordable housing because the developer is claiming it is not viable and and they know EFDC planners will not challenge the assessment or follow the recommendations of their own assessors and staff.

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

Traveller sites if and when vacated should not then be considered PDL otherwise this gives developers an easy route to make planning refusals on what have been areas of high value Green Belt more vulnerable to challenge

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

All Green Belt should be properly evaluated as part of the Local Plan process

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

The housing tenure mix should be established by an approved housing providing during the planning stage rather than be left to the LPA. While developers are responsible for commissioning viability statements and choosing not to follow PPG when it comes to establishing land values and planners are not challenging due to prioritising the delivery of units to meet general housing targets to the detriment of the AH supply, the delivery of AH will continue to lag behind any set target.

Our LA Epping forest District Council have lent over £85 million of PWLB money to Qualis, a property and investment group wholly owned by EFDC. Because of the political need to deliver a short term profit (Qualis currently cannot afford to pay the interest on the loans), EFDC councillors recently allowed Qualis to remove all AH units and contributions from current developments in Epping being built on land previously owned by EFDC but sold to Qualis. At no point in the process was an affordable housing provider or the Council's AH officer engaged. Private developers have seen the Council owned developer being allowed to ignore the AH policy requirement of the adopted Local Plan without publication or scrutiny of the viability statement and are now arguing all applications should be treated the same way. It is this type of behaviour that is impacting on the delivery on homes, not a lack of policy

Despite S106 agreements requiring approved housing providers are engaged early in the development process that is already too late as planning has been granted by then. The engagement and input of an approved housing provider such as a housing association should be mandatory at plan stage and no viability assessment should be considered valid without the details of their input into the project. It is inappropriate that a single planning officer should negotiate

affordable housing contributions that do not meet either national or local policy. Any break from policy should be fully documented, registered with a central government so that compliance with policy is monitored. Any viability statement from a developer should be published and assessed centrally rather than by an individual planning officer or authority and permission to deviate from policy should only come from central government.

It is not a lack of policy that is preventing progress, it is a failure to comply with policy. Until that is addressed, new policy will suffer the same fate

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

TIt is thought the so called "golden rules" will not be applied by Councils or developers to the majority of sites released from Green Belt as a result of these changes. Firstly, it will be primarily small sites in gardens being released as they are already defined as PDL. Should these changes relaxing the use of PDL be implemented it will be found in a few years that the bulk of land released as a result is in isolated locations outside of settlements, primarily being the construction of small collections of new luxury homes within the large curtilage of existing houses in Green Belt. The threshold for AH is 10 units and developers will be careful to stay below that.

A higher target for affordable housing is already generally in operation in Green Belt, it being used as the special circumstances that will allow the development. The reality is that PDL in Green Belt is never considered low value, quite the opposite. The only AH ever proposed in Chigwell was on a Green Belt site of a former nursery. Planning was granted with the special circumstance that countered the harm to the Green Belt being the development was conditioned to be 85% AH. From subsequent sales and occupation it appears the developer may not have adhered to this condition.

The oversight, monitoring and ensuring compliance with S106 agreements is a easy way to ensure the delivery of new homes and AH

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

It may be considered more important to have a substantial net biodiversity gain, higher than is normally required given the loss of green infrastructure that will occur due to the large number of gardens and green open space that will be lost due to being PDL

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

Yes - a major reason why AH fails is that BLV is set unrealistically high for viability assessment. Inevitably, the open land around any metropolis will become a destination for wealthier homeowners, regardless of whether it is classified as Green Belt. Developers use very high benchmark values and unrealistic build costs (we have seen affordable housing costed with Amtico flooring)to avoid AH

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

BLV should be set at the lower end of the spectrum to deter speculative applications of high end property

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

Completely agree and would go further, planning permissions should not be granted for any proposed developments, not just those in Green Belt, where land transacts above benchmark land value, and cannot comply with policy

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

There should still be special circumstances that allow development in Green Belt and those can be delivered by an increased requirement for on site AH. Our adopted Local Plan requires any development over 10 units comprises 40% AH, we would want to see at least 70% AH for any development on previously developed GB

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

We have yet to see a late stage review even suggested as a planning condition when a contribution to AH has been allegedly not viable. That the decision to to include a late stage review as a condition are often the remit of a single officer leads to an unacceptable risk of outside influence. An independent late stage review should be mandatory for every development where contributions below the level set in policy are agreed. This should not be commissioned or carried out by the developer.

A central government resource to oversee and ensure transparency of all viability assessments and that approves deviations from policy as well as carry out late stage reviews would without doubt result in a significant uplift in the delivery of AH in Epping that may well be repeated in many other LPAs

It should be statutory for the LPA to publish all viability statements and assessments ahead of any planning decision being considered.

In addition the Infrastructure Funding Statements produced annually by LAs should have a unified, consistent and simple format to ensure easy and transparent tracking of year on year progress. All secured and received monetary and non monetary contributions should be easily indefinable by site/planning application. These should be held and monitored centrally as well as published by the LA promptly within three months of the end of the financial year. This does not currently happen.

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

Travellers sites should not be considered PDL if and when vacated as that simply offers developers a simple round onto making high quality GB more vulnerable to refusals of inappropriate development being challenged

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

The reality is that even with a Local Plan already in place, developers will use these proposals to target high quality Green Belt

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

The proposed wording is not clear

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

The reality we have seen is that land is all to often brought forward on a voluntary basis as is demonstrated by the call for sites prior to the drafting of our Local Plan

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

Maintain the requirement to not harm the openess

Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

Social rent in many metropolitan areas its till not affordable to many. Shared ownership offers many a more achievable and permanent option

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

No, it should be increased to 40%

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

Possibly

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

No

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

Yes

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

More transparency of viability assessments, oversight of planning departments who approve no policy compliant applications, maintain a central register of compliant and non compliant applications by PA

Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

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

The open land around any metropolis will become a destination for wealthier homeowners, regardless of whether it is classified as Green Belt. Stricter control to ensure compliance with policy rather than planners allowing developers to not comply yet still get planning

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

Yes

Question 56: Do you agree with these changes?

Yes

Question 57: Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?

No. Registered providers should always be used otherwise developers will create organisations to operate their own AH

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

Where is the evidential rather than anecdotal evidence that this is the case? In the experience of this Council it is not considered that insufficient small sites are being allocated. The majority of sites allocated appear to be small/medium sites.

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

It is agreed the words may be subjective and open to interpretation. However, every developer and architect claims their proposal is "well-designed" and that can be equally subjective. `The problem remains that a robust argument needs to be available to prevent

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

The Council hopes to see the removal of PD rights to extend upwards by two storeys under GPDR without planning permission. The adverse impact this ill thought out and rushed policy has had on local areas, the existing residents and home owners is devastating. We have seen freeholds of flats in higher value areas being purchased by speculative developers looking to acquire a lawful development certificate for an upwards addition of one or two storeys under PD. These

speculators then offer the freehold to the existing occupants at a highly inflated price knowing there is a strong possibility they will join together and buy it to protect themselves from the threat of unwarranted development.

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

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

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

Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

No

Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

No comment

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

The emissions and waste heat generated by data centres and gigafactories is a particular concern. According to a recent Guardian analysis, from 2020 to 2022 the real emissions from the "in-house" or company-owned data centres of Google, Microsoft, Meta and Apple are probably about 662% – or 7.62 times – higher than officially reported. The International Energy Agency stated that data centres already accounted for 1% to 1.5% of global electricity consumption in 2022 – and that was before the AI boom began with ChatGPT's launch at the end of that year.

AI is far more energy-intensive on data centres than typical cloud-based applications. According to Goldman Sachs, a ChatGPT query needs nearly 10 times as much electricity to process as a Google search, and data center power demand will grow 160% by 2030. Goldman competitor Morgan Stanley's research has made similar findings, projecting data centre emissions globally to accumulate to 2.5bn metric tons of CO2 equivalent by 2030.

The planning process should require the assessments be "location based" emissions (excluding renewable energy certificates [Recs] and offsets) rather than "market based"emissions which are calculations using Recs. Many data centre industry experts also recognise that location-based metrics are more honest than the official, market-based numbers reported.

The planning process should the utilisation of excess heat in the form of local area heating or similar and mitigation of the location based emissions that data centres produce

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

Yes

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

Caution Is recommended. It is very easy to get a change of use from a nursery to residential or another commercial usage in areas/buildings/locations where this would not normally be appropriate. Care should be taken that permission for a nursery is not used as a stepping stone to more easily achieving inappropriate development

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

Wording is not clear and caution is recommended. It should be remembered that removing parking has not been shown to reduce car ownership for example.

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

a) promoting healthy communities - all LPA to carry out air quality monitoring across the area. All planning applications to include an air quality reading of the site and require statutory action to mitigate air quality for the residents if the readings exceed WHO limits. Documentation for sale or rental of any home to include an air quality reading to give customer choice.

b) No takeaways or fast food outlets to be granted planning permission within 400m of a school to be made national policy. The ban to be expanded to include within 400m of a hospital perimeter, residential children's accommodation or sports and leisure facilities that may be used by children

Question 71: Do you have any other suggestions relating to the proposals in this chapter?
No

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

Yes

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

Yes

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

Yes most definitely

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

No

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

No

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

Existing thresholds should remain

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

It seems the only way is through far more demanding building regulations. Again in our area we have yet to see a development that does anything other than pay lip service to sustainability with most seeming to think they deserve praise for passing building regs, as if there was a choice

EFDC has sustainability checklists for new builds and alterations to existing homes that supposedly should be filled in as part of any planning application. In reality the often are not and if they are, the claims of sustainability made by the applicant are not monitored or checked for compliance in any way, not that there is a penalty for non-compliance. With no means of monitoring and an apparent lack of interest in compliance by the PA they appear to be completely useless and an example of box ticking at its worse.

Micro generation of power has the potential to address climate change and reduce emissions. The proposals, mitigation measures and environmental assessments that evidence a reduction in carbon emissions submitted by applicants during the planning process must make sufficient contributions to net zero targets and more importantly, must be made conditional of any planning otherwise the risk they are not part of the finished build remains too high

Carbon accounting of the emissions resulting form the planning approvals for new and existing homes should be a statutory requirement and should be recorded and monitored centrally. A failure to contribute sufficiently should be considered grounds for the LPA to be put in special measures

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

Currently our experience is it is very poor indeed. The lack of investment by EFDC council can be seen by its failure to spend any of its allocated climate change budget for the past two years. The planning process pays lip service but in reality does nothing that may assist in accurate carbon accounting for new and exiting proposals. Again it seems on ly by central reporting and oversight can the failings of local authorities such as ours be identified and monitored.

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

Currently flood zone mapping is not sufficiently specific and does not reflect the increase in localised flooding that is being seen as a result of climate change. An interactive flood register incorporating data from insurance companies, emergency services, water companies, local authorities and residents would give a more accurate record of localised flood risk that would ensure enhance mitigation, for example limiting the construction of basements, where flooding is known to have occurred during periods of heavy rain

The policy should be one of mitigation - green roofs, rainwater harvesting, water gardens as well as permeable surfaces. Existing mitigation measures are proving insufficient - allegedly permeable surfaces result in excessive run off, attenuation tanks are under specified in many developments and can lead to increased flooding once they are at capacity.

Highways should actively review flood mitigation of roads and pavements and planning policy should

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

There are so many things that could be done but it will have to be mandatory otherwise the majority of developers and home owners will simply do the minimum they have to in order to meet building regulations.

Ensuring each LPA has a clear map of proposed and existing cycle routes that link up with neighbouring PLAs and ensuring that developers contribute towards them and link to them rather than just providing a cycle route around their development and no further. Energy efficient homes save residents considerable amounts of money and reduce carbon emissions but promises made by developers to install heat pumps, solar panels, etc beyond building reg requirements made during the planning process are not enforceable and as a result promised reductions on carbon emissions are simply not happening. The same with water consumption. We've seen homes applying to install a swimming pool whilst promising water consumption will be no more that 110L per day.

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

No. PA with agricultural land understand how vulnerable it is and understand how to assess and weigh viability

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

Agricultural land should not be made available for development

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

Yes

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

No

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

Tighter controls over claimed consumption under building regs which is not enforced

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

Yes

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

Possibility, more clarification is needed before comment

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

Yes

Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

Discounts should be offered for non PD sustainable energy applications e.g. for more than one air heat source pumps (not aircon units, these are not permitted development contrary to the mistaken belief of many PAs), solar panels, etc

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

Yes

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

Repeated “creep” applications whereby a householder submits a seres of smaller applications in order to achieve an overall volume that would otherwise not be appropriate. More than two applications in a three year period should cost more

Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

No comment

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

No

To many PAs would treat this as a cash cow

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

Neither

Some PAs cannot be trusted to charge properly

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

No, adequate funding is already available. Our LPA EFDC incorporates a monitoring fee into S106 agreements,. Of the £776,832.48 agreed in S106 contributions in 2022/23, £86,832.48 was EFDC monitoring fees.`

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

Developers should pay fees to PA to commission environmental impact, noise impact, biodiversity gain, basement impact, air quality, etc. rather than commissioning any themselves. He who pays the piper always calls the tune

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

Yes

Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

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

None

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

No comment

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

Developers should not be permitted to commission their own impact assessments or other reports. These should be carried out centrally by a randomly selected approved independent supplier and the cost passed on tho the developer to try and achieve better impartiality and more accurate reporting

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

There seems to be no consideration for PAs who already have a Local Plan in place and how the proposals will impact

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

No, there seems to be no consideration for PAs who already have a Local Plan in place and how the proposals will impact

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

Contact Parish councils

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

No