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24 September 2024

Dear Secretary of State,

Re: Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Thank you for giving Kent County Council (hereafter referred to as the County Council) the opportunity to comment on the proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system.

The County Council has provided a full response to the consultation. Please find this attached.

The County Council considers that it is important to provide a covering letter to its response in order to raise several key issues which have arisen through the consultation. These issues will have clear implications for Kent County Council's role and influence in planning, moving forward. They are also relevant to all county councils as well as Kent, and therefore are issues that will be encountered across England, if not fully addressed. These are firstly listed and then explained in more detail below:

- Support for Strategic Planning
- Housing Numbers
- Minerals and Waste Local Plans
- Protection of the Environment
- Developer Contributions
- Skills and resources

Support for Strategic Planning

The County Council supports the proposals to bring back a strategic level to planning. It considers that its role as the Highways Authority, Education Authority, Lead Local Flood Authority, Responsible Authority for the Local Nature Recovery Strategy and Heritage, Adult Social Care and community lead, amongst other services, puts the County Council in a good position to lead or have significant impact and influence when making decisions at a strategic level.

Strategic planning offers opportunities to agree a shared vision across a wider area. This leads to better decision making arising from a broader understanding of the housing and economic growth needs, and, critically, of the spatial distribution of development and infrastructure. The County Council would also draw attention to the need to manage large scale concerns such as nutrient neutrality, water resources and infrastructure, and energy demands, which are matters requiring solutions at a strategic level to ensure there is not an ineffective piecemeal approach.

The County Council seeks to positively engage with districts across Kent and across boundaries to ensure a collaborative approach to growth, but considers there must be a clear role for county councils within any proposed strategic planning framework moving forward. The County Council would also ask that more information is provided as to how this will be taken forward and also that there is a clear role defined for mayoral and non-mayoral authorities. In addition, it is hoped that it will be clear for those who are commencing the devolution route or those that wish to remain as two authority areas, as to how the reforms will relate to them. The County Council would also ask that as one of the largest upper tier authorities in the country that it has the opportunity to be a part of discussions around strategic planning as it moves forward.

Housing numbers

Whilst the County Council appreciates the purpose of this change, to bring more certainty in the planning system around housing numbers and to address the current housing crisis by delivering new homes, it would question the method chosen as, in some areas across the County, the housing need has risen considerably. Some of these areas/districts are already struggling to meet their existing need, without the proposed uplift. The County Council would therefore ask whether any support can be given to these areas, to help in the actual delivery of housing as the planning system alone cannot deliver these houses at this scale.

The County Council considers that in helping to meet these housing requirements, the government must still offer through legislation, opportunities for districts which

have significant barriers to development to be able to justify a lower housing requirement within their Local Plans. These might include natural landscapes, protected habitats and flood risk areas. Furthermore, infrastructure constraints must be a genuine planning consideration in the determination of the housing requirement figure.

The County Council also notes that these continuing uncertainties in the planning process are actually delaying Local Plans and therefore delaying bringing houses forward. The County Council would ask that authorities are given help and the proposed reforms arising from this consultation are implemented as soon as possible to mitigate this delay.

Minerals and Waste Local Plans

The County Council is extremely disappointed that the word mineral only appears twice in the consultation document. Despite the economic importance of the mineral sector to the economy and the fundamental role it plays in the delivery of the raw materials for the growth aspirations in the revised NPPF, there is no recognition of the mineral sector in Section 7 of the consultation paper. Nor is there any mention of waste management, an important and necessary infrastructure to support growth. It is therefore difficult to conclude with confidence that these important planning considerations have been factored into the thinking for the revised NPPF. Both have a role to play in sustainable development, impact upon strategic planning considerations and underpin circular economy principles and moves towards net zero.

In addition to this, the absence of any proposals to support development of essential waste infrastructure at a time when new proposed legalisation, policies and guidance are putting additional pressure on existing facilities is concerning.

Protection of the Environment

The County Council, as Responsible Authority for the Local Nature Recovery Strategy is disappointed that there is no reference to Local Nature Recovery Strategies (LNRSs) within the draft NPPF - nor the LNRS component parts which will be important to informing local plans. It is therefore not clear how the LNRS will inform local plan making and planning decisions. A vital part of the LNRS is the proposed integration of the strategies into the planning system, so that areas of greatest potential for nature recovery can be better reflected in planning decisions. Therefore, it is concerning there is no mention of them in the NPPF draft and little mention in the consultation. The County Council considers that this significant omission has the potential to undermine coherent and sound policy.

The County Council is also disappointed to see no reference to the protection or enhancement of the natural environment within the policy objectives. Good housing and development must consider and respect the landscape and environment into which it is developed and in fact is central to a development's identity. The need to build new homes and address the delays in the processes to enable this are fully understood, but this should not be at the expense of the environment.

Developer Contributions

The County Council would like to make it clear that there is a need for more effective funding mechanisms than the Community Infrastructure Levy (CIL) to ensure the delivery of essential infrastructure. CIL does not ensure that adequate funding is provided to mitigate the impact of new development and therefore ensure the appropriate provision of key infrastructure to support the County Council's services. There is also no mechanism to require upper tier authorities to be a part of Section 106 obligations and therefore offering limited ability to secure the necessary infrastructure.

The County Council would therefore ask that the current form of developer contributions is reconsidered, to ensure that adequate income is paid to the infrastructure providers to enable full mitigation for the impact of new development. Moreover, in two tier authority areas that county councils have more influence over how developer contributions are spent.

There is a lack of capacity within District Councils to challenge developers' viability claims and enforce conditions relating to infrastructure delivery. The County Council asks that this is considered when drafting the planning reforms.

Skills and Resources

The County Council considers that in order to implement the proposals and bring forward the changes required, the resourcing of local authorities is a critical issue in both skills and capacity.

There must be necessary resources across all relevant stakeholders, who have the skills and training opportunities to support implementation of strategic planning and to make sure that it operates effectively.

Resources are also required to effectively prepare and influence design codes.

The County Council supports the proposal for full cost recovery for Nationally Significant Infrastructure Projects (NSIPs) but would also ask that in two-tier areas, there could be a clear mechanism for county councils to receive a fee from planning

applications which they are engaged with. This is currently not the case. The County Council spends considerable time and resources working with Districts and Boroughs on their planning applications. Furthermore, the income generated from NSIP applications could assist in covering resources and maintaining and improving resources.

The County Council would ask that these concerns are taken into account and wishes to continue to work closely with the Government to help ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with the Government as these proposals progress.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely,

Simon Jones
Corporate Director – Growth, Environment and Transport

Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Published 30 July 2024

Kent County Council response

24 September 2024

Chapter 3 – Planning for the homes we need

Advisory starting point and alternative approaches

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

The County Council, which acts as a key infrastructure and service provider, is concerned with ensuring that new and existing communities have access to adequate infrastructure and service provision. The County Council holds many roles which have a direct impact on Kent communities – this includes statutory roles around education, health and social care, highways and transportation and the environment. The County Council commentary throughout this consultation seeks to ensure that the proposed reforms are sustainable and deliverable, respecting both new and existing communities across Kent and the rest of the country.

The County Council notes the changes which are proposed through this paragraph will remove reference to exceptional circumstances to allow the use of alternative approaches to assess housing need, where may be appropriate.

The County Council appreciates that the purpose of this change is to provide more certainty within the planning system around housing numbers. This certainty can provide benefits for stakeholders engaged in infrastructure and service delivery. A clear approach to assessing housing need from the start of the local plan process can assist county councils' infrastructure planning processes to support the number of homes to be planned through a Local Plan.

However, the County Council is concerned that this must still offer opportunities for districts which have significant barriers to development, such as natural landscapes, protected habitats and flood risk areas, to be able to justify a lower housing requirement within their Local Plans. Furthermore, infrastructure constraints must be a genuine planning consideration in the determination of the housing requirement figure. Development must not come forward in areas where new and existing communities do not have access to adequate infrastructure provision. It must be ensured that development remains sustainable and does not have an undue negative impact on the local environment and local communities. The County Council will continue to work collaboratively with district councils, engaging positively and proactively in the planning process to ensure that infrastructure is planned, funded, and delivered in a timely manner.

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?

The County Council does not agree that the reference to the use of alternative approaches to assess housing need should be removed. The County Council recognise that in these changes, authorities will be able to justify a lower housing requirement than the figure the method sets, however they would ask for more clarity on this through the NPPF. This could provide more details around the justification which can be put forward to justify a lower housing requirement, and further details around what alternative approaches could be taken.

Urban uplift

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

The County Council is supportive of the reference within paragraph 9 of the consultation which references “proposing to introduce new effective mechanisms for cross boundary strategic planning”. The County Council advocates a collaborative approach to planning with stakeholders, including district councils, county councils and key government agencies such as Homes England, Natural England and National Highways, working together to deliver sustainable growth. The County Council would welcome details on the formal strategic planning mechanisms proposed, and how this will operate within the planning process. The County Council would ask that details of this are developed in consultation with stakeholders across the planning and development process, including county councils, to ensure these can be effectively implemented. The County Council would also ask that any strategic planning mechanisms that may be introduced, become a statutory duty particularly across two tier authorities to ensure that roles and responsibilities are formalised and made clear.

The County Council supports the principle of directing housing growth to urban areas, but only where the infrastructure is in place to support that growth and create sustainable settlements.

The resourcing of local authorities is a critical issue. There must be necessary resources across all relevant stakeholders, who have the skills and training opportunities to support implementation of strategic planning and to make sure that it operates effectively.

Character and density

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

The County Council does consider that where an area is supported by effective infrastructure, it may have more capacity to support growth than areas that are not as well supported. Therefore, there should be careful consideration of opportunities to maximise effective use of land. However, the County Council would consider that local character should still be taken into account. Across Kent, there is a diverse range of built and natural environments which should be considered when planning for growth to ensure unsuitable developments, which are out of character for an area, do not come forward. The clear aims to support growth and housing should not be at the expense of the distinctive natural or built environment of Kent.

The County Council recognises that the urban uplift was originally introduced by the previous Government. It related to 20 cities that were outside of the County and therefore the County Council did not have a view on that proposal. The County Council is however supportive that the urban uplift is to be applied more widely to cover more cities and urban centres.

This approach would be supported by the Highways Authority as it ensures that the growth which is proposed would be around areas already supported by the appropriate infrastructure. The approach also ensures through growth, a greater density, which could suit certain locations and could also support 15-minute neighbourhood principles, which supports sustainable methods of travel.

The County Council, as Local Highway Authority for Kent, agrees with the proposal to strengthen “expectations that plans should promote an uplift in density in urban areas” as the pooling of resources is likely to enable higher quality, dedicated, cohesive sustainable travel infrastructure to be delivered. This would encourage an increase in the proportion of people travelling sustainably.

The County Council notes, in respect of its responsibilities around the historic environment, this proposal could present a challenge to protect and enhance the character and setting of heritage assets and the wider historic environment, particularly for non-designated heritage assets and the often-unrecognised features which contribute to the character of the public realm. However, the County Council recognises that, if the housing delivery targets are to be achieved, this clause of the NPPF must be removed. Safeguards must, however, remain in place for designated and non-designated heritage assets, including Conservation Areas, Listed Buildings, historic town centres and the setting of heritage assets to retain the significance and benefits of our cultural heritage.

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?

The County Council recognises that design codes can be a useful tool, in particular, setting out design principles for the development of large new communities where there may be a number of different developers and infrastructure providers bringing forward different elements of the project. A design code can ensure a cohesive design throughout the development and can also ensure that priorities for the County Council’s services are met if the codes are set out at the beginning of the planning process

The County Council would not wish to see a measure promoting high density housing at the cost of high-quality design and local character. However, high density developments can be inherently sustainable if they are located in areas with existing transport interchange options, and established forms of infrastructure. Large-scale new communities can offer the opportunity to blend good design with high density development, if best practice design guidelines are incorporated at the masterplanning stage. In the design of any new residential development, the County Council strongly supports the inclusion of green space, as well as sustainable and safe walking and cycling routes, to enable access to major transport interchanges and key infrastructure (education, health etc).

The County Council, as Local Highway Authority for Kent, is also supportive of the focus of design codes. These codes can be a useful tool in ensuring that high-quality design is delivered, especially where sites are being permitted on a vision led approach. The County

Council would welcome the introduction of minimum design standards around some of the services that the County Council are responsible for, such as Public Rights of Way (PRoW) and highways and transportation. This is to ensure that these aspects of development are designed appropriately to support sustainable transportation opportunities for new and existing residents.

The County Council does consider that there is a need to ensure local authorities at both a county and a district level have resources and expertise to be able to effectively prepare and implement design codes to support spatial visions in local plans and for delivering large new communities.

The County Council considers, in respect of its responsibilities around the historic environment, that the focus of design codes should move towards supporting spatial vision in local plans and seek to optimise densities within the established settlement boundaries, if safeguards remain to protect heritage assets and their settings. There is concern, however, about an emphasis on only developing large new communities as these will impose greater changes to the pattern of settlement. Large new developments must have a sense of character and be integrated into a setting. The County Council would raise awareness that it is often the spaces between settlements that contribute to their identity, which would be diminished if these were reduced. In some locations, the imposition of very large developments can have a disproportionately detrimental impact on the existing residents, character, and resources of an area. Growth around historic cores can provide for better communities and integrated, diverse societies.

Strengthening and reforming the presumption in favour of sustainable development ('the presumption')

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

The County Council is supportive of the additional clarity which will be offered explaining what policies are the 'most important' – an area noted as being subject to extensive debate when considering the presumption in favour of sustainable development. The County Council understands that this proposal is to ensure that homes are delivered to "*address the issue of chronic undersupply.*" However, the County Council would stress that infrastructure provision must be a clear consideration to support growth, and regarding paragraph 17, explicit reference should be made to the need for the timely provision of infrastructure alongside locational and design policies, as part of the safeguarding to ensure development remains sustainable. The County Council, as Local Highway Authority, would also add that sites must be in the most sustainable locations and offer reasonable opportunities for modal shift towards Active Travel.

The County Council welcomes, in respect of its responsibilities around the historic environment, the assurance that the presumption should not offer a route to poor quality development. Furthermore, the explicit reference to the safeguards of locational and design policies is welcomed. Specific controls to safeguard heritage assets and their settings must be retained. It is, however, harder to introduce the cultural and aesthetic qualities provided by historic buildings and spaces into the development of large new communities, and without this, these places could inevitably lack a sense of place and depth.

The County Council also welcomes the retention of footnote 7 in paragraph 11 of the current NPPF, which considers the environmental considerations. However, the County Council questions whether an error has occurred in footnote numbering - footnote 7 refers to footnote 74, when the relevant footnote of the proposed NPPF as published is shown as footnote 72. In addition, footnote 7 should refer to the footnote in Chapter 16 which states *“Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets”*.

Restoring the 5-Year Housing Land Supply (5YHLS)

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?

The County Council is generally in support of this policy as it provides greater certainty of the housing land supply pipeline. The County Council will continue to support district authorities across Kent in the planning, funding and delivery of the necessary infrastructure which will need to accompany a five-year supply of deliverable sites. However, this proposal does not guarantee that sites will be deliverable. The County Council would wish to see more emphasis on the deliverability of sites, particularly through the plan making process, with the right support and resource in place to ensure that allocated sites can viably support the required infrastructure and other local policy requirements. The County Council would also wish to emphasise the importance of the location of allocated sites being able to connect with other communities and transport hubs, providing sustainable transport options to serve the new community.

The County Council would also stress, that the local authority being able to demonstrate five years of deliverable sites will not necessarily lead to the delivery of more homes. Planning alone cannot deliver the growth ambitions as set out within this consultation, Developers require a skilled workforce, materials, and economic conditions to invest in the development of these new sites.

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

The County Council notes that this refers to the removal of the principle that past over-supply could be set against upcoming supply – due to the chronic need for housing. The County Council notes that Kent has demonstrated strong housing delivery, and the County Council continues to ensure that this growth is supported by necessary infrastructure. The County Council would urge that local planning authorities must be provided with adequate resources to be able to support the planning and development of homes and supporting infrastructure.

The County Council would seek to understand how strong delivery records could be celebrated in lieu of this wording – for example, could there be planning freedoms / flexibilities offered as an incentive to districts?

Restoring the 5% buffer

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?

The County Council has no commentary in respect of this question.

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

The County Council has no commentary in respect of this question.

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

The County Council has no commentary in respect of this question.

Maintaining effective co-operation and the move to strategic planning

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

The County Council advocates the need for effective cooperation between all stakeholders, at a strategic level, when planning and delivering sustainable growth. Collaboration is required to deliver all necessary infrastructure and services necessary to support robust and resilient communities. This collaboration should take place during a local plan period and beyond, whilst also considering any cross boundary, strategic implications of growth. Strategic planning can have considerable benefits if there is a clear framework in place with the skills and resources across all relevant bodies in place to deliver. The County Council is therefore a strong supporter of strategic planning to ensure that there is policy integration on key matters at a strategic level.

The County Council is in support of strategic planning and considers that it offers opportunities to agree a shared vision across a wider area, leading to better decision arising from a broader understanding housing and economic growth needs, and the spatial distribution of development and infrastructure. The County Council would also draw attention to the need to manage large scale concerns – such as nutrient neutrality, water resources and infrastructure, and energy needs – matters which need to deliver solutions at a strategic level to ensure there is not an ineffective piecemeal approach which will not address these issues as a whole.

Upper tier local authorities and Local Growth Boards such as the Kent and Medway Economic Partnership are well placed to take a strategic view on the challenges and opportunities of strategic planning matters relating to specific sites. Local Growth Boards can provide insight to support the prioritisation of major schemes, information about the likely benefits and economic impacts of significant schemes and what supporting infrastructure might be required to unlock these as well as advising on displacement, commercial and supply chain opportunities and ensuring a sustainable, balanced approach to development on a functional economic area scale.

The County Council seeks to positively engage with districts across Kent and across boundaries, to ensure a collaborative approach to growth. There must however be a clear role for county councils within any proposed strategic planning framework.

The County Council would wish to have greater powers and influence as a key infrastructure provided placed on county councils through the local plan process and through development management stages to ensure growth is viable, sustainable and deliverable and that any growth supports our statutory functions. Currently, whilst the County Councils are a statutory consultee, they do not have any decision making powers or influence over the decisions made. One suggestion could be if a Local Planning Authority is looking to approve an application that the County Council as a statutory consultee has objected to, there is then a call in procedure by the Government. This is already in place for Active Travel and departures from the Local Plan, where an application is recommended for approval by the District or Borough contrary to Local Plan policies.

The County Council notes and welcomes the reference made to “new mechanisms for cross boundary strategic planning” and would welcome engagement on the details around what these mechanisms are proposed to be. If they are to meet the aims as set out in paragraph 25 – delivering sustainable growth and strategic and resilient infrastructure, growing the economy, and improving climate resilience, this will require a considerable number of stakeholders to achieve it. Therefore, the details around the proposed mechanism must be provided in a draft for stakeholders such as county councils (in particular two-tier authorities) to be able to provide commentary on.

The County Council notes the reference within paragraph 26 of the consultation, which relates to the use of “geospatial data and digital tools” as part of the proposals around Spatial Development Strategies. The County Council would draw attention to the work being undertaken by Kent County Council officers to deliver the Infrastructure Mapping Platform (IMP). This is a digital tool that is consolidating and publishing key local growth and infrastructure data. The County Council would welcome further engagement with the Government on the progress and capabilities of the IMP as an example of how geospatial data and digital tools are currently being used by the County Council and how it can support good growth moving forward.

The County Council notes that paragraph 27 does refer to minerals and waste plans. As a Minerals and Waste Planning Authority, the County Council is clearly concerned with the lack of reference to this area of planning within this consultation. The Council recognises the importance of effective co-operation on cross-boundary and strategic matters which includes mineral and waste development and other services provided by the County Council in a two-tier local authority structure. Measures to ensure effective engagement in decision making and plan making are supported.

In Kent (and elsewhere in the country) there is a growing tide of strategic waste crime which affects the regulatory interests of the County Council, the District Councils and the Environment Agency. Informal arrangements are currently in place for joint working on this cross boundary and strategic matter as needed, but it would helpful to consider recognising the need for a more formal arrangement in the new NPPF.

Overall, the County Council agrees that the NPPF should be revised to foster more effective collaboration on cross-boundary and strategic planning issues. By promoting cross-boundary cooperation, the County Council can enhance the planning and delivery of significant housing and infrastructure projects. This approach will lead to more equitable and sustainable development outcomes across the region.

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

The County Council recommends that clarity must be offered as to what is meant by “strategic scale plans or proposals.” This requires detail to understand when the tests of soundness are applied as suggested by this question. The deliverability and viability of strategic sites is always challenging due to the long-term nature and inherent ‘unknowns’ resulting from this and can also be challenging to be able to gather all evidence required as part of the tests of soundness at the planning stage of the project. Any test for soundness must be fit for purpose at a strategic level.

The County Council does recognise that the tests of soundness are a tried and tested process that is understood. However, there is need to consider what the most appropriate test may be for strategic plans. There should be an expectation that the deliverability and viability must be based on the best available evidence at a point in time. The County Council would recommend that there needs to be a balance between providing some certainties through the development and a realism that the project may evolve over time, responding to changing trends, technologies, and requirements.

Details are required to be provided around this proposal. There is a clear need for a framework and guidance around this.

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

As the statutory authority for major infrastructure and services, the County Council welcomes this amendment where it will deliver consistency through the planning process.

Chapter 4 – A new Standard Method for assessing housing needs

Setting a new headline target

Step 1 – Setting the baseline – providing stability and certainty through housing stock

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 County Council would ask that the changes in the approach to the standard method and household projections are carefully considered and are fair. It does appear that there is significant pressure to provide housing on some authorities in Kent over others and it would be helpful to understand the difference in the household projections and the affordability of homes compared to local salaries. In addition to this, it will be difficult for authorities with a

significant uplift to meet their housing numbers, when they are already struggling to meet the current requirements.

The County Council, in respect of its role in the planning process, notes that sometimes, household projections cannot be relied upon as they can vary significantly from year to year – which can make planning for infrastructure to support communities, challenging for infrastructure and service providers such as the County Council. The County Council questions whether there is some stability offered by aligning the baseline to evidenced growth in housing stock over a long period of time (10 years).

The County Council would draw attention to the need for a consistent definition of “housing stock” to ensure consistency and limit discrepancies. A further option exists for tailoring the 0.8% figure to local areas (e.g. at a county level) as some regions have a greater propensity to grow than others.

Local authorities at both a local and county level must be adequately resourced to be able work towards meeting the growth requirements resulting from the standard methodology. The County Council would also note that resources, skills, materials, and the economic climate all have an impact on the delivery of new homes which must be considered to ensure their delivery.

The County Council notes that there is also the need to ensure that other uses required to support housing growth are also allocated – including community, healthcare, education, and employment uses. The County Council would repeat earlier commentary that new homes must be delivered supported by the timely delivery of appropriately funded infrastructure.

Step 2 – Adjusting for affordability

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?

The County Council does consider that averaging over a three-year period may be more realistic than a single year snapshot. The County Council respects its role in the planning process but would note the need to appropriately consider areas which are typically commuter towns, which may be impacted by the 4:1 ratio. The County Council notes that median house price and earnings can hide large disparities, however, mean values may be fairer to reflect a demographic of property value or income.

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

The County Council has no commentary in respect of this question.

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?

The County Council has no commentary in respect of this question.

Result of the revised standard method

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

The County Council draw attention to the fact that planning alone cannot deliver new homes, the development industry must also be engaged. Furthermore, when planning for growth, there must be consideration of the infrastructure need to support the growth. Areas which may experience sudden jumps in housing, will need significant investment in infrastructure to achieve that sustainable housing growth, which will create viability challenges, as well as challenges for infrastructure providers, such as the County Council, to ensure these are provided in a timely manner to support the growth.

In principle the County Council supports the proposal to set clear housing targets as it supports infrastructure planning processes, to ensure necessary infrastructure is planned, funded and delivered in a timely manner. However, the County Council does raise concern around the proposed distribution of housing across the country. This distribution must be fair to ensure that areas which surround London are not forced to take on housing as London is unable to meet its housing need.

The County Council would draw the Government's attention to the clear pressure on existing infrastructure in Kent due to housing development. Services within the County Council are having to provide more infrastructure and services with less income and resources. Considering all the infrastructure required to support development coming through the current Local Plans, there is a clear and large funding gap to be able to provide the necessary infrastructure already before the new methodology or a greater housing need is introduced. The County Council must ensure that it remains in viable financial position. There has already been considerable pressures on already stretched financial budgets. The Government must address the proper funding of local authorities at all levels, especially with additional asks arising through these proposed reforms. There are already a number of unfunded infrastructure projects on the capital programme and this will only increase as costs rise and the Council's income reduces. In addition to this, the County Council, along with many other county councils, already borrows significant sums through prudential borrowing to meet shortfalls in grant funding and capital receipts which shows the existing pressure they are under.

Concerns were also raised by Kent County Council in response to previous consultations, in regard to the funding to provide the infrastructure to support more housing. One main concern is whether the legislation will require Local Authorities to fund some of their infrastructure through borrowing. Due to the revenue implications associated with such borrowing, the County Council would ask that limits need to be set to ensure the Council remains in a viable and sustainable financial position.

The County Council is also concerned of the continuing uncertainties around local plan processes affecting communities and the economic markets. Lack of clarity and continuous reforms have created an environment of uncertainty for plan making and the market, ultimately delaying the delivery of new homes and supporting infrastructure. This causes understandable concern from communities who are not provided with a clear plan of where growth in their area is to come forward, and or an understanding of where infrastructure will

be delivered to support the growth. Plan making will, again, need to respond to another set of changes to national planning policy and guidance – authorities must be given the appropriate resources to respond to the reforms proposed.

The County Council notes that in the county, the housing targets in some areas are excessive, and they are not reflecting the lack of suitable and deliverable land for development, nor the lack infrastructure available to support growth. In some areas, the targets are not considered to be achievable. Furthermore, Kent has also been impacted by Nutrient Neutrality – an important issue with a considerable impact on housing delivery. Another matter which requires consideration and a strategic solution to address this issue.

The County Council, as Minerals and Waste Planning Authority, would draw the Government's attention to the fact that housing and economic growth is dependent upon the raw materials being available to deliver new development. Mineral Planning Authorities are required to plan for a steady and adequate supply of minerals to meet need based upon the national Managed Aggregate Supply System (MASS). This relies upon annual returns from mineral operators which can vary year on year, can be estimated (if no return is made) and are based upon historic sales data. Whilst this is currently proving effective, given the acceleration of growth proposed in draft NPPF, government guidelines setting out a clear and strategic statement of future need of construction aggregates should be provided as part of the planned growth agenda being advocated. Clarity should also be provided as to whether the existing MASS assessment remains effective in planning for mineral supply.

Whilst it understands that the Government is looking to bring forward growth, it is not just the provision of more new homes that is important. The County Council would ask that other issues are considered to release more homes for those that need it, including reducing the amount of second homes and Air BnBs. Also discouraging the use of Land Banking to make sure that schemes with permission are built out.

Chapter 5 – Brownfield, grey belt and the Green Belt

Being clear that brownfield development is acceptable in principle

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 County Council is generally supported of the redevelopment of brownfield sites. However, guidance must set out that land must be in a sustainable location with adequate access to necessary infrastructure to support the growth. The County Council considers that the sites need to be defined carefully to avoid misinterpretation – there is a need to ensure a suitable set of criteria is defined to inform proper and appropriate site selection, planning and decision making. A maintained database or GIS of identified sites that meet the criteria could be a way of encouraging development in suitable sites.

The County Council, as Local Highway Authority, would raise concerns that where grey belt is in rural areas, these may not be in accessible locations and lead to car dependant development. Accessibility of large volumes of traffic and HGVs during the construction and operational stages of a development must be considered.

The County Council, as Local Highway Authority, responsible for PRow, also requests that guidance is in place to ensure that any densification is supported by access to open space.

The County Council, as Minerals and Waste Planning Authority, considers that as part of any proposed change, clarity should be provided as to how mineral sites are to be designated. These are not brownfield sites. Mineral development is in effect a temporary permission, albeit for a long period, and the planning process recognises that planning permission for mineral activities is a product of having to work minerals where they are found, rather than a locational choice. To include such development as brownfield and the future presumption for development will undermine restoration and biodiversity objectives which require mineral sites to be restored to a high quality. Restoration proposals offer the potential for recreational, agricultural and habitat opportunities and in the case of the latter, quarry sites traditionally have played an important role in the creation and enhancement of habitats; many of the sites are coincident with local nature reserves. Going forward, they have an important role to play in the delivery of biodiversity net gain objectives and this should be recognised.

The County Council also notes that it is important to understand that brownfield sites can host the valuable priority habitat of open mosaic habitat on previously developed land (OMHPDL) – a valuable and important habitat that supports niche species and often home to Kent's rarest species. Paragraph 121 notes that as much as possible, maximum use should be made of previously developed or brownfield land, caveating this with the footnote *"Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity"*. Whilst this caveat is welcomed, it does not go far enough as many OMHPDL are not afforded protection and often their value is only made clear when surveyed prior to development. This has been seen at sites in Kent; this presumption of brownfield as land for development and land that holds no ecological value, often puts rare and significant species at odds with a planning application. There would be benefit in local planning authorities working with nature conservation bodies and others to identify land which may fall into this bracket so it can be excluded as potential development sites within the local plan. The Local Nature Recovery Strategies may provide evidence and information in support of this. Furthermore, any "brownfield passports" must ensure that such habitats are not put at risk of loss because of a blanket assumption as to the lack of ecological value.

The County Council, in respect of its responsibilities around the historic environment notes the addition of current paragraph 124c), however, it should be noted that many brownfield sites contain significant archaeological remains or built heritage assets, many of which will be non-designated, poorly understood and with an expectation that they will be protected through the planning process. Even if there is an expectation of development being acceptable, provision will still need to be made, in cases where significant heritage assets are expected, for pre-determination evaluation to assess archaeological significance and determine whether the proposal is in conflict with other policies of the NPPF. The presumption should not apply where the proposal would conflict with the preservation of designated heritage assets or those covered by footnote 73. The County Council would ask that footnote 50 in current paragraph 123 of the NPPF should also mention heritage assets. Similarly in current paragraph 124a), the County Council would ask that the protection and enhancement of heritage assets be listed as one of the potential benefits.

The County Council also recommends that it should also be noted that land which should be protected by other designations is not always currently designated. The value of Heritage assets is influenced by their setting and in rural areas this has particular relevance, as relative isolation, or setting within a landscape, can be key to the significance of many historic settlements, buildings, and parks.

Overall, the County Council support the proposed change outlined in paragraph 124c as a preliminary step towards the implementation of brownfield passports. However, the County Council emphasises that any new development on brownfield sites must prioritise sustainability, particularly in terms of transportation, travel, and accessibility.

If a proposed brownfield development fails to meet a set of essential sustainability criteria, it should not be brought forward for development, in order to prevent future problems. Central Government may need to provide financial incentives to encourage development on brownfield sites – for example to ensure that any new infrastructure required can be funded and delivered.

The County Council recommends that there should also be investment in improving existing housing stock and neighbourhoods to achieve the objectives of enabling urban revitalisation as well as a focus on brownfield development.

Making it easier to develop Previously Developed Land

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

The Green Belt serves a purpose and provided that its openness is protected, using poor functioning areas of the Green Belt could be an appropriate small scale approach to meeting housing need but policy and supporting guidance will need to set clear requirements. The County Council is keen to see that the Green Belt is protected and that that large areas and openness of the Green Belt are not lost to housing as this would take away the purposes to which it was designated. The County Council is concerned that this new policy position could result in the Green Belt being disregarded and the County Council supports its retention.

In Kent, the Green Belt extends across several districts and therefore the County Council would support a strategic approach to boundary reviews rather than piecemeal exercises, in the broader backdrop of the Government's intention to introduce some form of strategic planning.

Careful consideration is, however, needed to ensure that there are no unintended consequences, and that the policy will deliver high quality development and not just urban encroachment into the countryside. For example, the criteria in paragraph 10 of the consultation in respect of (ii) to (iv) may well be relatively easy to demonstrate, particularly for small scale development which could then undermine wider green belt policy. There is a risk that it will also lead to poor land management, so as to benefit from future development value.

The County Council, as Local Highway Authority, supports the proposed changes to paragraph 154g (including new paragraph 152), which is interpreted as supporting the provision of new lorry parking facilities where there is a need.

The County Council has identified to Government the various problems that promoters of lorry parking facilities have incurred in the past, with the planning process and number of applications refused creating a high level of commercial risk for operators outside of the big Motorway Service Area (MSA) providers. These amendments should help, as will those to paragraph 87. The County Council carries out annual surveys of inappropriate lorry parking (that outside of official facilities) on our local road network and can demonstrate a clear demand for new lorry parks in the county.

The County Council would also welcome consideration of how to repair and improve land in the Green Belt by ensuring landowners continue to manage their land well and resisting inappropriate uses.

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 County Council, in respect of its role in supporting the rural economy, has no objections to this proposal. However, many landholders have dispensed with traditional greenhouses (for reasons relating to upkeep, cost, efficiency, maintenance etc.) for modern greenhouse development which should be encouraged, where feasible. Hadlow College, in conjunction with Thanet Earth, has just developed a Centre of Excellence in Greenhouse Management to encourage more young people into horticulture through modern technological driven greenhouse management. Development and innovation will see opportunities for smaller greenhouse development which can be efficient and cost effective. Protected crops will need greenhouses as well as polytunnels (and any modern hybrid between the two). So the County Council would support the expansion of the PDL definition but it is important that this ensures the development and maintenance of glasshouses for horticultural productions and also in its role of supporting the economy.

Defining the grey belt

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

The County Council recommends that the definition for grey belt needs to be clearly defined, and there is likelihood to be appeals and litigation if clarity is not provided. Green Belt and grey belt must be very clear to ensure it can be understood and correctly applied across the Country.

The County Council notes that if grey belt is to be used for the delivery of housing, then, as always, development must be in sustainable locations with access to necessary infrastructure to support new residents – as set out in paragraph 15.

The County Council would also note that the assessment of green belt / grey belt should ideally be during local plan stages in consultation with relevant stakeholders, as opposed to through the development management stages. This is to ensure a sustainable and strategic assessment to take place, as opposed to the assessment being on a case-by-case basis.

Careful consideration should be given to the treatment of live and former mineral working workings within the Green Belt and clarity provided in the NPPF on whether these sites

should be considered 'grey belt or previously developed land (PDL)'. In the view of the County Council, as Minerals and Waste Planning Authority, mineral development should not be considered as PDL, brownfield land or fall within the grey belt definition. Mineral development is in effect a temporary permission, albeit for a long period and the planning process recognises that planning permission for mineral activities is a product of having to work minerals where they are found, rather than a locational choice. To include such development in the definitions above will undermine restoration and biodiversity objectives which require mineral sites to be restored to a high quality. Restoration proposals offer the potential for recreational, agricultural and habitat opportunities and in the case of the latter, quarry sites traditionally have played an important role in the creation and enhancement of habitats; many of the sites are coincident with local nature reserves. Going forward, they have an important role to play in the delivery of biodiversity net gain objectives.

The County Council, with regards to regarding its responsibilities around the natural environment supports in principle the definition, although notes the limitations of the safeguards this affords to land of environmental value. This particularly relates to the narrow number of habitats defined as irreplaceable, which at the moment, does not include, for example, chalk streams and vegetated shingle. The County Council would request a full review and consultation of the habitats defined as irreplaceable as the County Council considers the list to be incomplete and missing habitats that Kent is a particular stronghold for, both nationally and internationally. This will ensure that when drafting the proposed definition of grey belt, this issue can be taken into account.

The County Council, in respect of its responsibilities around the historic environment, notes that as the Green Belt makes a positive contribution to the quality of the built environment, the character of settlements and the value of heritage assets, these factors should be considered when determining whether development within the green belt is appropriate. The County Council welcomes policy of excluding areas or assets of particular importance as listed in footnote 7 of this Framework.

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

The County Council, as Minerals and Waste Planning Authority, considers that in determining how mineral development sites should be defined, it should also be noted that providing mineral development preserves 'openness' and does not conflict with the purposes of the Green Belt i.e. it is currently considered 'appropriate' development for the purposes of green belt assessment. Without clarification, it may well be possible to argue that mineral sites fall within the grey belt definition, contrary to the objectives and undermining the special considerations that are embedded in planning for and delivering mineral development.

The County Council, in respect of its responsibilities around the historic environment, considers that these safeguards are welcomed, but from the point of view of protecting Built Heritage; they do not go far enough to be effective and do not include sufficient protection of heritage assets. The County Council would recommend amending 10) b) iv. to read "Land which contributes little to preserving the setting and special character of historic towns, settlements, heritage assets or key views."

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?

The County Council would recommend that guidance must be clear on this point to ensure clarity and certainty is offered in respect of these proposals. In terms of defining what land considerations that make a limited contribution to the Green Belt, it would be useful to make clear in the glossary or guidance the type of sites that are exempt i.e. safeguarded by existing environmental designations, National Parks, National Landscapes and Sites of Special Scientific Interest.

The County Council, as Minerals and Waste Planning Authority notes that in addition to excluding mineral development from the presumption to release in the Green Belt, areas identified in draft or published Local Nature Recovery Strategies should also be exempt, along with land identified by Biodiversity Net Gain habitat creation.

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 County Council recommends that it is also important that land designated as grey belt does not degrade adjacent Green Belt land and sustainable development must remain the key focus of development.

In respect of the County Council's role in the rural economy, the County Council recommends that guidance must include a consideration of how to ensure productive agricultural land does not fall into the grey belt and is then developed for alternative uses.

The County Council, in respect of its responsibilities around the historic environment, recommends that the criteria should also include considerations around the presence and setting of Heritage Assets.

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?

Whilst recognising the role that the Green Belt may play in the delivery of growth, concern is raised by the County Council regarding the loss of policy support to safeguard the countryside from encroachment, with the recasting of green belt priorities. Further consideration is encouraged to consider the unintended consequences of this objective.

The County Council notes that much effort and resources will have gone in to developing the 48 local nature recovery strategies for England, which will provide a comprehensive assessment and identification of "*areas that could become of importance to biodiversity*". Defining such areas with this label from the LNRS regulations undermines the value that these areas already hold – and the vital role they have to play in recovering nature.

It is therefore critical that the mandatory role for LNRS in local plan making is fully enforced, explained, and detailed within the NPPF – and this includes informing areas of green belt that could be enhanced. There is seemingly no reference to LNRS within the draft NPPF - nor the LNRS component parts which will be important to informing local plans. It is

therefore not clear how the LNRS will inform local plan making and planning decisions. A vital part of the LNRS is the proposed integration of local nature recovery strategies into the planning system, so that areas of greatest potential for nature recovery can be better reflected in planning decisions; and likewise, the new duty on all public authorities to have regard to relevant local nature recovery strategies. Therefore, it seems odd that there is no mention of them in the NPPF draft and little mention in the consultation. It is hoped that this does not signal a downplaying of the role of these strategies and the importance of tackling the decline of nature.

The County Council, in respect of its responsibilities around the historic environment, considers that policies around the Green Belt must continue to also support heritage protection – and this needs to be integrated into any sustainable strategy.

Land release through plan-making

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?

The County Council notes that the proposals encourage the re-use of previously developed land and grey belt land as preferable to using greenfield sites for new developments. The County Council recommends that county councils should have a key role, working with local planning authorities, to ensure that growth is prioritised in the most sustainable locations. In addition to this, it is important to ensure that the right land is released otherwise this could result in lots of small-scale development across rural areas that is difficult to provide infrastructure for and also ensure that it is sustainable.

The County Council would prefer to see larger areas of growth that are easier to plan for and to provide the suitable infrastructure for.

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 County Council agrees with the proposal that the release of land should not undermine the function of the greenbelt, however, growth should be prioritised in the most sustainable locations and supported by necessary infrastructure. This must remain a priority for all those engaged in planning and development.

Allowing Development on the Green Belt through Decision Making

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 County Council considers that paragraph 19 may have significant implications for districts across Kent with Green Belt, and where they do not have an up-to-date plan. Resource, support, clarity and guidance must be offered as soon as possible to those districts impacted by this proposal.

Supporting release of Green Belt land for commercial and other development.

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 County Council recommends that any release of the grey belt to meet commercial and other development needs must still be delivered sustainably, and in accessible locations.

The County Council, as Local Highway Authority, recommends that consideration of the highway and transportation requirements for any sites must be considered before they are released for development. For example, the transport networks surrounding the sites may be subject to the movement of people and goods to these locations, which could impact negatively on the network. Therefore, the highway network must be capable of supporting the release of the land for development. Commercial sites must, therefore, be in accessible locations if they are to be considered sustainable.

In addition to transport accessibility, commercial sites may also need access to high quality digital infrastructure, or a skilled workforce which will also need to be appropriately considered if a development is to come forward on the grey belt.

The County Council would also request clarity on what “other development needs” refers to - whether this is referring to community uses, or energy production? Clarity on this must be offered to provide some understanding of the type of development which may be acceptable.

Planning Policy for Traveller Sites

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?

In Kent, the demand for pitches on council owned sites far outweighs the availability and number of pitches. The Friends, Families and Travellers organisation has stated that ‘there is a chronic national shortage of Gypsy and Traveller sites’ in the UK. As a representative example of this need, the Maidstone Borough Council interim Gypsy and Traveller and Travelling Show people Accommodation Assessment (GTAA) has identified a gross need for 606 pitches and 7 sites over the plan period to 2040. To manage the high demand, of the limited pitches that are available, at the County Council, a Pitch Allocations Policy is operated to ensure that those most in need to a permanent pitch are highest priority in applications to County Council owned gypsy and Romany traveller sites.

It was noted in the draft Kent Gypsy, Roma and Traveller Populations’ Joint Strategic Needs Assessment which has recently been completed by the County Council Public Health team, that “life expectancy is 10 to 12 years less than that of the non-Traveller population (Traveller Movement 2012)” and that a “report published by the Equality and Human Rights Commission (2009) (EHRC) suggested that amongst Gypsies and Travellers with access to secure council or private owned sites, and who had access to adequate medical care, life expectancy may be closer to that of the general population”.

The County Council therefore in principle, supports the release of more land to help provide for this need.

However, in terms of a permanent provision, the majority (if not all) Gypsy and Traveller sites are on unwanted land, and sometimes this is due to its location and/ or the nature of its previous use (i.e. landfill, proximity to waste sites etc.). This is recognised by the communities on County Council sites and wider communities.

It is therefore important to ensure that any land released is suitable for residential accommodation and also not considered to be inaccessible or too remote as locating the sites in isolated locations could make an already marginalised group, feel even more separated from the communities in which they are located. Therefore the sites released need to be suitable.

Considering the public health findings about health inequalities, allowing more private sites to be cited on PDL/isolated locations could increase the health inequalities and impact on wellbeing and safety. That said, providing more open and rural sites could mean that the residents can live a more 'outdoors lifestyle' which features heavily in gypsy culture. So an appropriate balance needs to be reached.

In Kent, there is also currently no transit provision. This means that local authorities are constantly tackling unauthorised encampments. In terms of transit pitches, releasing more sites could address this need, however releasing isolated sites could make the transit provision inaccessible and difficult to manage and could lead to greater impact on the wider community.

Overall, the County Council considers that sites should be considered the same as the release of other residential sites to ensure they not isolated and can be managed and delivered according to need.

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?

The County Council notes that it is well known that GRT communities do not always declare their culture and due to the lack of pitches, there are large numbers of GRT communities living in bricks and mortar accommodation, so it is difficult to access the need accurately. This, along with a general isolation and lack of community engagement, means that the true need for pitches is unknown, however, a fair hypothesis would be that it is greater than what is known. It is suggested that the approach should therefore be to take this unknown need into account as well as gathering statistics identified through the census.

Golden rules to ensure public benefit

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

The County Council is supportive of the provision of affordable housing in new residential developments, however, in many areas, a target of 50% affordable housing could make the development unviable. The County Council would express concern about the balance of meeting the required percentage of affordable housing versus the costs of providing

adequate infrastructure. This can often lead to a conflict between competing local authority priorities, resulting in a reduced quantum of affordable housing or reduced provision for the mitigation of the impact on existing infrastructure and services. This can result in the delivery of unsustainable development, which must be avoided.

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?

The County Council considers that there may be need for some planning authorities to have lower targets, to ensure that development remains viable. There is a need to balance the delivery of affordable housing with economic realities – especially where viability poses a considerable challenge. The County Council considers that fixed targets are challenging and that there is need for there to be different circumstances taken account of and some flexibilities allowed for where necessary. Although the County Council is supportive of the delivery of affordable housing, growth must still be deliverable, and new communities cannot be delivered in isolation, without access to necessary transport and community infrastructure.

Overall, the County Council considers that it may be appropriate to allow flexibility on affordable housing targets to enable the delivery of housing and suitable infrastructure on Green Belt sites.

Delivering improved public access to green space

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?

The County Council, in respect of its responsibilities around biodiversity matters, welcomes the focus on providing access to good quality greenspace and nature, but the standard for distance should be more defined than a “short walk.” These applications in the Green Belt, which provide or improve green space as part of the proposal, should ensure that the space is either adopted or that national standards are proposed to provide standards to which all green infrastructure planning should, at a minimum, meet.

The County Council, as Local Highway Authority with PRow responsibilities, would highlight the need for green spaces to be accessible using Active Travel means

Active Kent and Medway recommends that green space must be available, and this must be accessible and usable. A usable space delivers a multitude of different uses if planned accordingly such as for nature, community gatherings and active recreation.

The County Council, in respect of its role around the historic environment, also notes that the protection and enhancement of heritage assets and landscapes could also be identified as a benefit.

Overall, the County Council would recommend that competing land interests are considered, and that integrated masterplan approaches are progressed. Furthermore, there must be consideration of how these sites will be managed and maintained in the long term. It is recommended that management is considered in the planning stages, to ensure appropriate

measures and funding can be secured to ensure the continued benefits arising from the green space.

Green Belt land and Benchmark Land Values

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?

The County Council draws attention to its response to question 35 and the need to balance the delivery of affordable housing and the necessary infrastructure to support growth, and the challenges this can create for viability and deliverability. The County Council would prefer indicative benchmark land values to be fair and supportive of an outcome that enables policy requirements to be fully met, avoiding the requirement for a viability assessment/review. Green Belt land may play a significant role in bringing forward more sites for residential development, but they still need to fully mitigate their impact through the provision of appropriate levels of affordable housing and infrastructure.

The County Council would also wish to draw attention to the need for resources at both a county and local level to be appropriately skilled in determining viability. This could include, having independent specialists assessing the growth put forward and also considering how land values impact on viability. Furthermore, there is a need to ensure appropriate transparency around viability to ensure development continues to be supported by appropriately funded infrastructure whilst remaining deliverable and viable.

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

The County Council has no comments in respect of this question.

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?

The County Council would support this in principle.

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?

The County Council notes that, if additional affordable housing is sought that it must be delivered alongside the necessary infrastructure to serve the needs of the development, and any additional contributions must not impact on infrastructure delivery. The County Council would also consider that the viability of this approach should be considered as more affordable housing development could result in less funding for infrastructure.

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?

The County Council agrees that where contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, which would improve upon what is currently in place as viability is only assessed at the time the planning application is determined.

In addition to the late-stage viability reviews, local planning authorities should also be provided with the resources and expertise to ensure that developments are assessed properly and that this proposed mechanism is included in their Local Plan policy.

Local Authorities also need access to viability expertise; and the list of what is and what is not included in viability calculation requires tight controls in place. Fixed costs such as a developer's marketing, advertising and publicity costs for example should not be included in viability reviews.

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

The County Council has no comments in respect of this question.

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 County Council has no comments in respect of this question.

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

The County Council has no comments in respect of this question.

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

The County Council is broadly supportive of the approach set out in paragraphs 31 and 32 – subject to the detail of the land assembly process being clear and transparent to all parties and would request that county councils are included / consulted as statutory bodies and providers of critical infrastructure.

The County Council would welcome further details of how, through legislation, the government can ensure that organisations such as local planning authorities, combined authorities, and Homes England could take a more proactive role and statutory role in the assembly of the land to help bring forward policy compliant schemes. The County Council would also like it made clear as to what policy might apply to 'policy compliant schemes' – and whether these possibly be used by local highway authorities to secure the timely delivery of new road schemes, or the adoption of PRoW for improved connectivity?

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

The County Council draws attention to the need for better data availability and sharing between stakeholders around land use to allow for better planning.

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

Delivering affordable housing

Delivering the right mix of affordable housing

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?

The County Council would encourage the delivery of homes to meet the wide-ranging needs of the population to support balanced and sustainable communities. The County Council will support the districts across Kent by engaging in the planning and delivery of infrastructure to support housing of all typologies and tenures.

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

The County Council has no comments in respect of this question.

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

The County Council has no comments in respect of this question.

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

The County Council has no comments in respect of this question.

Promoting mixed tenure development

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

The County Council agrees that delivering sites with a mix range of tenures and types can create more diverse communities, as well as encouraging stronger delivery of sites through market diversification. The type and tenure of homes must be suitable for the area and be determined through evidence-based research of the local area needs and requirements.

The County Council would, in principle, support a policy that promotes mixed type and tenure developments if they provide a more sustainable model for the residents of those communities. For example, if the pressure on community facilities and infrastructure is more evenly distributed, the development can support a range of on-site infrastructure and community facilities that can be accessed by a range of different age-group and socio-economic groups.

Supporting majority affordable housing developments

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

The County Council would not support a policy which promoted high percentage Social Rent/affordable housing developments in isolation from other communities. The County

Council's view is that these should be integrated within larger-scale new developments or on brownfield sites in existing urban areas, so that they remain connected to a larger mixed community with access to a range of adequate infrastructure and services.

The County Council, as Local Education Authority, would also wish to note that certain types of housing tenures can produce higher rates of pupil product, and this should be considered when planning these new developments and the subsequent impact on existing education infrastructure and children's services provision.

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

The County Council considers that it may, at times, be appropriate to set a maximum site size for a high percentage Social Rent/affordable housing development to ensure a balanced community. In accordance with the County Council's response to question 52, it should also be necessary to include a consideration of the development's proximity to other types of housing tenures.

The County Council recommends that social integration and community cohesion must be promoted, with tenure blind developments creating balanced and viable communities.

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

The County Council considers that in respect of its role around the rural economy, it would support the concept of provision of a national network of Rural Housing Enabling services to ensure independent support and advice is available to help communities deliver small scale affordable housing schemes (where infrastructure is available to support the schemes). The Rural Housing Enablers must have an established fund to sustain a national network.

The County Council would also recommend that the planning process ensures clear consideration of the housing needs of rural communities and ensure provisions and policies are in place to support these communities, reflecting their individual needs. The County Council would also note the increasing challenges with the availability and affordability of homes for agricultural workers, including traditional farm workers.

Meeting the needs of looked after children

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

The County Council, in respect of its role to 'Look After Children' (Operational Integrated Children's Services), recommends that any children's homes that are planned should be earmarked for children that are local to that home, and any new homes brought forward should be within areas of need.

Ofsted's data showed there are significant disparities in the distribution of homes and places between regions and has long raised concerns about a mismatch between the location of homes and local levels of need and demand.

Delivering a diverse range of homes and high-quality places

Strengthening support for community-led development

Question 56: Do you agree with these changes?

Based on the description and ethos of community-led development within the consultation document, the County Council would be supportive, in principle, of this approach as it is likely that local communities may have a reasonable understanding of the housing development needs for their area and are more directly invested in development as a true placemaking tool. This approach could present the opportunity to provide a better quality and designed end-product than can be the case with larger, volume housebuilders.

However, the success of this approach would be very dependent on the skillsets of those involved in delivering community led development and there would need to be a robust set of checks and balances to ensure that development delivered in this way was achieving its objectives. There would have to be close monitoring of groups it is being suggested at point (a) to deliver community led development that have not previously delivered housing.

Removing a restriction on the size of community led exception sites as suggested at point (b) might be feasible if other key checks and balances such as quality, density, and visual intrusion etc, can be adequately protected within the alternative limit suggested to be established within an area's development plan. Development still must be appropriate to the local area.

The sites themselves would also need to be tested to ensure that they are in areas offering sustainable transport options. In addition, as these sites may have previously been commercially unviable, there would need to be consideration given to how they would be assessed for policy compliance in terms of affordable housing delivery and mitigating their impact on local infrastructure and services.

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?

The County Council would note that organisations that are not Registered Providers must have the necessary expertise and resources to be able to deliver and, where necessary, manage, affordable housing for rent. This is to ensure that in the long term, these homes continue to be sustainable places to live and also to ensure the long-term provision of quality homes.

Making the small site allocation mandatory

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?

It is possible that the promotion and offer of small sites has reduced because of the trend and focus to deliver very large-scale Garden Communities that deliver a considerably quantity of new homes in one location. There could be either the concern that smaller sites do not deliver the necessary volume in multiplier terms towards meeting housing targets, and delivery by smaller developers can be less certain or sustainable, and more financially

risky. This may have led to local planning authorities favouring large sites over those smaller ones.

It is the County Council's understanding that smaller sites are also more difficult for developers to engage affordable housing provider (AHP) partners for the affordable element of a scheme because the number of affordable units on offer does not make delivery a viable option for the AHP.

A larger number of smaller sites delivered by SMEs / smaller developers potentially makes for more difficulty planning for infrastructure need, the potential being that several smaller sites come forward in fits or starts, or indeed are more likely to not happen for many years, or indeed ever.

To support the inclusion of a greater number of small sites for allocation, Government could subsidise / part subsidise developer contributions due on smaller sites to encourage more small site development and encourage smaller developers to engage.

Furthermore, the County Council would recommend that both further guidance, and additional resources should be provided to local authorities to manage this area of planning.

Requiring "well designed" development

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?

The County Council agree with the proposals to retain references to well-designed buildings and places. It is considered that the term "beauty" is subjective and subject to interpretation and opinion, the County Council therefore considers alongside this proposal that it might be helpful to expand the reference to well-designed buildings and places to include criteria within legislation rather than just have guidance. It is also considered that considering 'beauty' does allow more reflection on a development so could still be considered.

Homes and places must not just be well designed, but should be in sustainable locations, sustainably designed and resilient – more objective terminology must be used, so it is suggested that a reference to sustainability is included. This is especially important to protect the heritage value of places with reference to the significance and contribution to place identity, heritage, and community. The County Council would recommend that skills and expertise must be available in all local authorities for these references to be successfully applied and enforced.

Supporting upward extensions

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

The County Council, in respect of its responsibilities around the historic environment, considers that mansard roofs should not be mentioned in the revised NPPF as this is a specific design solution. The NPPF should be used as a high-level document, to explain and secure specific principles and approaches to design rather than focus on detailed design issues.

The principle of supporting intensification, including by upward extension with appropriate designs, should be incorporated into the NPPF provided there are safeguards to protect the setting of Heritage Assets and the character of the area.

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

The County Council has no comments on this question.

Chapter 7 – Building infrastructure to grow the economy

Building a modern economy

Changes to the NPPF to support these modern economies

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

The County Council recognise the importance of needing to plan for infrastructure which enables the modern digital economy. The County Council notes that this must include mobile infrastructure to ensure all communities have appropriate digital access – this is a matter which should be considered as part of any strategic planning mechanisms.

Overall, the County Council in consideration of its role in the Kent and Medway Economic Partnership, is broadly supportive of the approach to make it easier to build key infrastructure facilities that are critical to growth such as laboratories, gigafactories, data centres and digital infrastructure. There are existing grid capacity constraints that can limit this type of development which is still of particular concern across Kent and ensuring that renewable electricity feeds such sites is essential to assist with decarbonisation.

The County Council agrees with the approach to provide more explicit recognition of the need to support proposals for new or upgraded facilities and infrastructure that are key to the growth and development of knowledge, creative, high technology, and data-driven sectors. The County Council recognises that there should be an infrastructure-first approach and adequate funding and support to enable this and that such development should not be at a cost to the natural environment.

Both freight and logistics are key industry sectors in Kent given the role of the county as an economic national and international gateway. The County Council therefore supports the general principle to encourage decarbonisation, adaptation to changing patterns of global trade and the adoption of new and emerging technologies across the transport, distribution, and storage operations.

The County Council agrees with the general principle that the expansion or modernisation of sites linked to key growth industries is a suitable proposal. Provided the additional commercial sites are identified in plans and positively considered in planning applications when they are of local, regional or national importance, is also agreed. It is also suggested that further support for economic growth and resilience, while balancing a need to preserve and protect the natural environment is recognised. In particular the County Council would ask that for example the legislation seeks to ensure that the storage of batteries etc or the

increase in energy requirements to provide the use does therefore not impact on the local environment.

The County Council, as Local Highway Authority, recommends that sustainable locations and safety / capacity of the network must be considered in the siting of these facilities. The County Council supports the amendments to paragraph 87, for which it is interpreted that 87 (b) and (c) are positively applicable to lorry parking facilities. Provision for lorry drivers' legal breaks (both regular and overnight) are "needed to support the supply chain" and to "support economic growth and resilience," such as cross-Channel goods vehicle traffic. The County Council appreciates that existing paragraph 113 remains unedited as new paragraph 111, providing a helpful alignment with Department for Transport (DfT) Circular 01/2022, "Strategic road network (SRN) and the delivery of sustainable development", paragraph 81, which states: "In areas where there is an identified need, the company [National Highways] will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of [heavy goods vehicle] HGV parking on or near to the SRN."

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

The County Council, in respect of its role around digital infrastructure and mobile connectivity, considers that there is a need for greater upfront engagement between local authorities and mobile network operators to enable to right sites to be planned for, especially given the specific mobile requirements. All mobile infrastructure should adhere to the Government's best practice guidelines.

The County Council urges that mobile connectivity needs must be planned into new housing schemes to remove the need for retrofitting of new mobile phone masts. Failure to do so can create capacity issues within the local mobile network and degrade the existing coverage which is unacceptable.

In respect of data centres, the County Council recognises that these are necessary to enable the modern digital economy particularly with respect to developing opportunities around AI. Their resource intensive nature, particularly with respect to energy and water creates challenges, especially in a county such as Kent where water resources are already depleted and stressed.

The County Council considers that there is a need to safeguard against an oversupply of data centres to ensure that there is sustainable development of the sector – and not a detrimental impact on both local and national net zero targets.

The County Council recommends that it would be helpful if a national evidence base were to be developed, identifying the need/demand for data centres. There is also a need to clearly explain the role and importance of data centres (to those working outside the technology sector) to help enable the identification of suitable sites within local plans and create greater awareness within the planning process.

Furthermore, the County Council is supportive of the principle of promoting the development of commercial sites for high-growth sectors. The NPPF should also be mindful of protecting land that enables growth in the food & drink sector. Kent contains a significant concentration

of England's grade 1 and 2 agricultural land which should be protected to promote food security and the sustainable growth of this sector within the county, but for the country.

Directing data centres, gigafactories, and laboratories into the NSIP consenting regime process

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?

The County Council would like to use this opportunity to continue to raise its general concerns with the current NSIP regime and the treatment of local authorities which may affect the ability to engage.

The County Council has proactively engaged in the NSIP process across a diverse range of projects. However, the NSIP regime, despite ongoing reforms, does not adequately support councils in their engagement in the process. Proper funding to ensure adequate resources and expertise are appointed to the projects cannot be secured. The County Council is therefore concerned that if further projects were to proceed through the NSIP regime, the constrained resources of officers engaged in the NSIP processes will be placed under increasing pressure, without proper financial support. Unless reforms genuinely address this ongoing problem of under resourcing, the outcome is likely going to be further delays to delivery and negative impacts for communities. Full cost recovery mechanisms must be implemented and must be extended to include local authorities to ensure adequate resources can be applied to the projects and that councils' duties to their communities can be fulfilled.

The County Council would note that it must be clear when a data centre, gigafactory or laboratory may fall under the NSIP regime, there is a need to ensure there is no ambiguity on this point. By drawing these projects under the NSIP regime, this must not cause undue delay to the delivery of these commercial developments. Furthermore, there should remain a clear role for these projects with the local planning regime, there should be encouragement for these sites to continue to be allocated through local plans to ensure that the County Council and other stakeholders can engage at the earliest stages to ensure that infrastructure, such as highways and transportation, can be planned and delivered to support the development.

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?

The County Council has no comments in respect of this question.

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

The County Council has no comments in respect of this question.

Chapter 8 – Delivering community needs

Public infrastructure

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

The County Council supports the proposal to make clear that significant weight should be placed on the importance of facilitating new, expanded or upgraded public service infrastructure when considering proposals for development. This is because it is clear that the pressure on infrastructure and services continues to grow, and this will be further exacerbated through increasing housing growth. The County Council advocates an infrastructure first approach where infrastructure must be planned, adequately funded, and delivered in a timely manner. Planning reform must support this approach.

In bringing forward this approach to public infrastructure, the County Council considers that it is of paramount importance that the Government defines the key public infrastructure that should be supported and also provides the tools and powers to ensure housebuilders, in particular volume housebuilders, pay the appropriate level of mitigation towards infrastructure. A much wider consideration of modern community infrastructure needs, which may not take the form of new buildings or land for new facilities needs to be considered. This might include for example: resourcing new models of public service delivery such as outreach services, community-hub based services, equipment and resources to support remote (on-line) service delivery as well as green/open space to promote better physical and mental health, facilities for specific needs such as Special Educational Needs and Disabilities (SEND) provision and hard-to-reach groups, and Changing Places to ensure all public buildings are fully accessible.

The County Council also considers that it is important to consider the wider infrastructure needs to support development and consider that the public infrastructure should include ensuring that there is adequate water supply and sewerage for new developments coming forward.

The County Council continues to highlight that the Community Infrastructure Levy is an inadequate method of ensuring housebuilders pay appropriate for their development. The County Council would ask that this form of developer contributions is reconsidered, to ensure that adequate income is paid to the infrastructure providers to enable full mitigation for development and also that in two tier authorities that county councils have more influence how developer contributions are spent.

Section 106 planning obligations and powers also need to be strengthened and able to hold developers fully to account.

The County Council, as Local Education Authority, notes that weight should be placed on the importance of new, expanded or upgraded public service infrastructure. The County Council notes that proposals do not indicate whether it will continue to be necessary to evidence the need for more education places or whether cases can be put forward simply for upgrades.

The County Council considers that there is going to be considerable pressures on ensuring the balanced delivery of public infrastructure – ensuring that local and strategic infrastructure

projects are brought forward as required. The County Council would therefore recommend that a priority list may need to be established, making clear whether increasing capacity is of more importance than improving current capacity. Overall, however, provided there is balanced infrastructure delivery, and critical infrastructure such as education receives appropriate funding to support access for new and existing communities, the weight placed on the importance of facilitating the necessary and improved public facilities is supported.

In respect of the County Council's responsibilities around children and early years, the County Council recognises the need for additional early years places to support parents to rejoin the workforce, but it would also emphasise that a child's learning journey starts from age 0 at home, and the importance of access to community programmes alongside provision of nursery places.

The County Council would also wish to see better recognition of the importance of culture and the need for appropriate cultural infrastructure - local cultural infrastructure is buildings and spaces that can be used to deliver creative classes, community activity like a choir or play, spaces that can accommodate playing music, book and knitting clubs, for example. Larger cultural hubs may be a regional theatre, art gallery or museum that has an active outreach programme. The County Council would draw attention to [Creative Estuary Cultural Planning Toolkit](#) as an example of a positive workstream around the delivery of cultural infrastructure.

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

The County Council, as Local Education Authority, supports these proposed changes to enhance the inclusion of post-16 educational opportunities and expand childcare facilities within new developments. However, the role of the County Council and the Local Planning Authority needs to be clear. In particular that the LEA remains the responsible body for seeking and spending these facilities.

Page 14 of the County Council's [Commissioning Plan for Education Provision in Kent 2024-2028](#) says *"When a new school is delivered according to the ESFA Baseline Design, a nursery space is now included in the design. As new schools are planned, KCC will work with the sponsor to identify early years provision and the most appropriate way to deliver this."* Existing policy mandates that all new two-form entry primary schools incorporate a standard 26-place nursery. Additionally, in its responses to planning applications, the County Council requires suitable commercial spaces to be integrated into new developments, facilitating the establishment of private nurseries within the community. This is especially crucial considering the recent modifications to childcare entitlements which will increase the demand for places.

On the basis that the developer industry is to benefit from an upskilled workforce, it would be useful (albeit complex) to also see how the improvement of apprenticeship support among micro and small SME construction businesses can be properly supported to increase and improve the number young people post 16 that enter constructions trades.

A 'vision-led' approach to transport planning

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

The County Council, as Local Highway Authority, notes chapter 8 – point 6 and 7 (vision led transport planning) and in principle, considers that this is a good thing and should enable more sustainable development with public transport/active travel measures, alongside traditional “car” access. However, this will only work where this is a mechanism/policy to ensure developers implement alternative sustainable measures. The County Council would ask that the policy supports the principle of encouraging actual modal shifts, as previous attempts by previous Governments has resulted in sites with in adequate parking and a high level of car use.

The NPPF already states that applications should give priority to active modes and high-quality public transport but the Local Highway Authority has little or no planning policy grounds on which to object to an application if a developer does not follow this. For example, a development could cause an extra 50 trips in each peak hour (which is relatively significant) but unless modelling shows it to be causing or exacerbating a significant issue, then the Local Highway Authority struggle to ensure an application is refused or make a developer consider other modal options.

The new wording (para 112d) would only require a developer to use vision led mitigation for “significant” impacts, meaning many may try to argue the impact is not significant and thus they will not be required to pay for other infrastructure etc.

The County Council, as Local Highway Authority, considers that proposals could result in applications with higher transport impacts being allowed as authorities struggle to refuse on the grounds within the NPPF. Ideally, local planning and highway authorities need a strong policy in place to enable them to make a case for refusal if it does not provide or already have good access to sustainable travel options (e.g. located in an isolated area with only private vehicle access as a viable option).

In respect of paragraph 113 – “in all tested scenarios” – in theory a scenario with public transport and active travel could be tested to show that the highway impact is not significant, but the County Council raises a question as to whether this would encourage the applicant to build / pay for the maximum measures to be put in place. The County Council considers that there is a risk that developments with a notable highway impact will be allowed with minimal mitigation as authorities may struggle to refuse them (or defend a refusal at appeal).

Paragraph 114 must be stronger, using language such as “must” rather than “should” – to ensure that sustainable development is as much as possible proportionate to each individual site. Strongly encouraging sustainable travel, including active travel, will support the proposed changes to promote healthy communities.

More sustainable travel is supported by the County Council; however, it should be noted that these infrastructure will lead to increased maintenance costs – funding must be provided to ensure that these modes of transport remain accessible and of high quality in the long term.

The County Council does, overall, agree that developments should be 'vision led' and focus on sustainable travel to accommodate future levels of growth, reduce the impact on existing communities and to help with other social issues such as obesity and social exclusion. However, this approach needs to be accompanied by Monitor and Manage, to ensure the objectives on which it was approved, are being achieved. Monitor and Manage is not currently discussed in the document and needs to be included. Existing paragraph 115 states *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"* and the proposed text adds "in all tested scenarios". The additional wording is not acceptable as it would allow applicants to create numerous scenarios and only one would need to be acceptable to be approved. This wording should be removed. In addition, the paragraph needs revising, as it does not reflect the vision led approach that the draft NPPF is proposing.

The County Council does welcome the introduction of the vision led approach but the accompanying text needs updating to give the local highway authorities more power to insist on certain sustainable measures to achieve the vision. Being able to only object to 'severe' or 'safety' concerns is not enough to ensure this approach is achieved. Monitor and Manage is needed to support a vision led approach. The County Council suggest that a definition of clarity could be offered around the term "severe" to provide more certainty on this.

The County Council confirms that it is currently following a "vision-led approach" in the production of the County Council's new Local Transport Plan 5 (currently out to public consultation). The County Council, more importantly, looks forward to further guidance on this approach and requests alignment between the updated guidance from the Ministry of Housing, Communities and Local Government and that published by the Department for Transport on the "Vision-and-Validate" approach to preparing a Local Transport Plan.

The County Council, as Local Highway Authority with PRow responsibilities, sees this as an opportunity to shift focus from default of car use. Transport planning should also reflect future demographics and address inequality and future thinking should involve a Strategic Off-Road Network as well as a Strategic Road Network, to enable safe connectivity nationally and reduce the use of the car.

Overall, the County Council would also draw attention that there is a need for strategic planning and considerations around transportation, ensuring strategic infrastructure is delivered as needed alongside local projects to encourage sustainable transportation opportunities, with necessary infrastructure provided in a timely manner, and maintained long term.

Promoting healthy communities

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

a) The County Council, in respect of its responsibilities and role in Public Health, considers that planning policy must recognise the importance identifying Local Health and Wellbeing Needs in planning policy – using public health data, evidence and guidance. Evidence must be gathered to ensure informed principles to design healthy places. The County Council considers that there must be a focus in planning on impacts on health inequalities. The

County Council recognises that public health is a cross-cutting theme-cutting theme which should be considered across all Planning Policy and not siloed.

The County Council, as Local Highway Authority with PRow responsibilities, notes that it is vital that the PRow network, National Trails, Environment, Biodiversity, Heritage are robustly protected through planning policy. Public access to green, open spaces is vital for multiple health, wellbeing, socio-economic, preservation of landscape character, encouraging modal shift away from vehicular use, Active Travel reasons. These areas play a significant part in in development planning and therefore direct resourcing to Local Authorities must be provided to ensure public open spaces are provided, managed and protected through planning.

The County Council, in respect of its responsibilities around the historic environment, notes that heritage and place making helps to provide cultural identity and promotes social wellbeing and should be protected by planning policies to promote healthy communities.

b) Childhood obesity is a significant public health issue locally and globally, with a wide range of contributing factors. Its impact on the health of children, young people, families, and society cannot be overstated and can have long-term implications for physical and mental health. Children living with obesity are more likely to experience poor mental health and have links to lower academic achievements.

The Environment in which individuals live, work, and grow significantly influences their health and quality of life.¹ Although personal lifestyle choices about diet and physical activity play a role, it is now accepted that the most important drivers of obesity lie beyond the individual's control. Structural actions beyond education and information are therefore needed.² Creating healthier environments through policy and planning interventions is crucial in addressing obesity and reducing health inequalities. For instance, local authorities can implement policies to limit new fast-food outlets close to schools and promote active travel and access to green spaces.³ ⁴ By influencing the design and use of built environments, planning policies can improve population health and reduce health inequalities.

Local authorities, in collaboration with various stakeholders, can play a pivotal role in transforming obesogenic environments into healthy communities given that planning policies can also contribute to minimising the effects of other factors such as pollution, noise, and climate change.⁵ Additionally, creating a healthier environment through planning can positively influence behaviour, as demonstrated in the video - [Behaviour Change By Design \(youtube.com\)](#)

¹ The Marmot Review (2010) Fair Society, Healthy Lives. Available at : <https://www.parliament.uk/globalassets/documents/fair-society-healthy-lives-full-report.pdf> (Accessed 20 August 2024).

² National Institute for Health and Care Research (2022) Preventing obesity in children and families. Available at: [Preventing obesity in children and families - NIHR Evidence](#) (Accessed 20 August 2024).

³ Public Health England (2018) Promoting healthy weight in children, young people and families: A resource to support local authorities. Available at : [Promoting healthy weight in children, young people and families: A resource to support local authorities \(publishing.service.gov.uk\)](#) (Accessed 20 August 2024).

⁴ Department of Health and Social Care (2018) Childhood obesity: a plan for action, Chapter 2. Available at: [childhood-obesity-a-plan-for-action-chapter-2.pdf \(publishing.service.gov.uk\)](#) (Accessed 20 August).

⁵ Public Health England (2020) Using the planning system to promote healthy weight environments. Available at: [Using the planning system to promote healthy weight environments \(publishing.service.gov.uk\)](#) (Accessed 20 August 2024).

Overall, the County Council considers that National Planning Policy could better support local authorities in promoting health communities and tackling childhood obesity by:

- **Prioritising Active Travel:** Ensuring that all new developments, particularly housing and schools, are accessible by safe, well-maintained walking and cycling routes. This would encourage residents to choose active modes of transport for daily errands and activities.
- **Mandating Adequate Open Space:** Requiring developers to provide suitable, well-designed open spaces within new developments. These spaces should include facilities for walking, running, and cycling, as well as play areas and sports pitches.
- **Supporting Healthy School Environments:** Encouraging and, where necessary, resourcing new schools and academy trusts to include appropriate sports pitches and associated facilities, such as badminton courts and multi-use games areas. These facilities should be accessible to both the school community and the wider public.
- **Promoting Sustainable Design:** Encouraging sustainable design principles in new developments, including green infrastructure, such as green roofs and rain gardens. These features can help to create healthier, more resilient environments.
- **Collaborating with Public Health Bodies:** Strengthening collaboration between local authorities, public health bodies, and other relevant organisations to develop and implement evidence-based strategies for promoting healthy communities and tackling childhood obesity.

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

The County Council, as Local Highway Authority, notes that Paragraph 109 of the current NPPF states *“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

The Local Highway Authority considers that the last sentence is concerning as this could allow developers to develop in the rural areas where sites are not usually truly sustainable. These areas often have small country lanes, high speeds, no footways, no cycle routes, infrequent bus services, lack of forward visibility, and the scale of development does not often allow for major improvements, nor is the land regularly available to implement major improvements. With housing targets being increased and development permitted in the grey belt, the Highway Authority is concerned that development in the rural areas could increase. It is therefore requested that this sentence is removed, or that the policies throughout the NPPF make it clear all development must meet minimum sustainability criteria regarding regular high quality bus services, sufficient footways and cycle routes to shops, bus stops and train stations etc.

The requirement for sustainable travel infrastructure must be enhanced in the NPPF. For example, existing paragraph 108(c) states “opportunities to promote walking, cycling and public transport use are identified and pursued;” this does not specify what type of opportunities should be considered or to what level and could technically be fulfilled by creating one footway. Paragraph 109 states “...significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”.

Sustainable travel is more easily achieved when a site is looked at holistically and all pieces (landscape, lighting, place making, density, transport infrastructure, parking, trees, etc) are looked at together (vision led). There is currently no specific policy within the NPPF that supports highway authorities in requiring measures such as bus lanes, free public transport, dedicated cycle routes and developers therefore do not always see these as necessary. Now that a vision led approach is being taken, this section should be updated to ensure that highway authorities can request these types of measures to support the overall vision of the site, rather than only being able to object to ‘severe’ or safety impacts. This is key in creating high quality developments rather than just lots of housing.

Paragraph 115 of the current NPPF states *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* This paragraph is the key one for the Local Highway Authority and one that is consistently quoted by developers who refuse to implement measures that have been requested that are not associated with junction improvements. It is also ambiguous leading to different interpretations of ‘severe’ with some planning inspectors saying one or two cars is severe and some saying a large number of vehicles adding to the back of a queue is not severe. This paragraph needs to be revised, particularly considering the change to a vision led approach where congestion is only one part of what needs to be considered.

The County Council, in respect of Public Health, would recommend that there needs to be a clear understanding that in two tier local government, there are added complexities around strategic priorities, levels of expertise and capacity around this priority which presents challenges e.g. Public Health expertise sits at a County Level and planning at a District. There is therefore a need to ensure local planning authorities in both unitary and two-tier areas have access to the same skills and expertise required to develop policies which enable and promote healthy communities. Furthermore, the County Council requests that there are clear definitions provided of what a viable ‘healthy community’ is; what health inequalities are and how this relates and can be impacted upon by planning.

Active Kent and Medway would request the encouragement, guidance, and investment into walkable communities, mixing use and co locating facilities, linking open spaces, streets as open spaces and active infrastructure in sports facilities, public spaces, and workplaces.

Overall, it would be hugely beneficial to see investment into community engagement, and for the NPPF to appreciate community engagement as a profession and expertise, to support the development of appropriate local housing.

Chapter 9 – Supporting green energy and the environment

Supporting onshore wind

Bringing onshore wind back into the NSIP regime

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

The County Council does recognise the strategic nature of energy needs, particularly in the context of housing, environment, and economic growth ambitions. The County Council therefore reflects on the urgency in designating clear policy to support the delivery of energy across the Country – which includes the consideration of large onshore wind projects.

The County Council would refer to its commentary in respect of Question 64 and the need to ensure appropriate mechanisms are in place to allow for proper resources in local authorities to be secured and provided with the necessary skills and expertise to be able to properly engage with the NSIP process, this includes onshore wind projects.

Supporting renewable deployment

Strengthening the NPPF

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

The County Council, in respect of its role around climate change and adaptation matters, notes that paragraph 7 states “*a stronger expectation that authorities proactively identify sites for renewable and low carbon development*”, this describes the Local Energy Action Plan (LEAP) process; but there is no mention of support for LEAPs consultation, or how Government could standardise their content, scope and location to create a joined-up map of the UK. A joined-up approach is suggested between planning authorities, relevant stakeholders including the UKPN to effectively plan for future energy needs. This should be encouraged through legislation.

The County Council, in respect of its role in the historic environment, would recommend that planning must ensure sufficient safeguards for the historic environment are retained. Heritage assets are a fragile, non-renewable resource and once destroyed cannot be recreated.

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?

The County Council, in respect of its responsibilities around biodiversity matters, considers that habitats that have a vital role in carbon sequestration should be considered unsuitable for renewable energy development, where that sequestration role would be either adversely affected, reversed, or lost. The County Council does not consider this to be a reasonable outcome that in the drive to net zero and green energy, that the natural habitats already making a contribution were lost. It is therefore suggested that the existing sequestration

should be prioritised over new renewable energy generation. Otherwise, the release of greenhouse gases from habitats such as peat soils, risks counterbalancing or outweighing the carbon benefit of the renewable's installation. Additionally, the new installation will have a finite lifetime, whereas the sequestration benefits are permanent.

Setting the NSIP threshold for solar generating stations and onshore wind

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?

The County Council agrees with the proposed threshold increase for onshore wind projects to be deemed Nationally Significant. Onshore wind turbines generate significantly more power than those that existed when the current threshold was set, so it makes sense to increase the threshold accordingly. Given that the capacity of modern turbines is now up to double what it was in 2008, a threshold increase from 50MW to 100MW is commensurate with improvements in turbine performance.

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?

The County Council agrees that the threshold at which solar projects are deemed to be Nationally Significant should be increased from 50MW to 150MW. As stated in the consultation document, recent technological improvements mean that many small or medium-sized projects now exceed the 50MW threshold and it no longer makes sense for such relatively small installations to fall within the NSIP regime.

In Kent, a number of ground-mounted solar projects are clustered just below the current 50MW threshold, suggesting deliberate under-sizing of capacity to avoid entering the NSIP process and the increased costs and timelines associated with this. This practice hinders the energy transition and the optimal use of resources for achieving net-zero, energy security and lower bills for residents.

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

The County Council agrees with the new thresholds proposed in the consultation document.

Tackling climate change

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

The County Council, in respect of its role and responsibilities around climate change and adaptation matters, observes that there is a need for consistency across the NPPF to ensure that that all aspects of growth contribute to Net Zero targets. The County Council would also encourage a step change in the NPPF towards net zero building standards for both housing and commercial development. There should also be consideration of how the planning process could introduce measures and provide infrastructure to encourage change in behaviours towards more sustainable living.

The County Council, as Local Highway Authority, notes that the NPPF states developments should consider sustainable modes first, however, new development does not always meet this objective. Policy needs to be stronger in its requirements for sites to create good walking, segregated cycling and public transport routes, as well as complementary measures such as car clubs and free public transport taster tickets. These must be available at the earliest point of occupation.

The County Council, as Lead Local Flood Authority, recommends that the NPPF should set a maximum water consumption target for new developments at 110 litres per person per day. Currently this is the minimum, but the Government's targets for national per capita water consumption are 110 l/p/d. The NPPF should be helping to achieve this target by driving down the consumption of water in new developments. This would support the concerns about water resilience set out in Chapter 9, Paragraph 24 of the consultation. Indeed, where it is proposed to go below the 110 l/p/d, this should be positively encouraged and recognised. The Lead Local Flood Authority is aware of Local Plans being rejected on the basis that the desired l/p/d proposed within was too low and thus unachievable – there must be an opportunity to test this level to demonstrate that it is achieved.

Water recycling and rainwater harvesting should be encouraged through planning policy, especially in commercial developments where it will have a significant impact.

The Lead Local Flood Authority also recommends a requirement is put in place that new developments retain or, in the case of brownfield sites, create a dedicated percentage of open space for the use of on surface SuDS (sustainable drainage systems) features. This would result in less time being wasted in master planning discussions regarding provision requirements for surface water management and provides the associated climate change and biodiversity benefits.

The Lead Local Flood Authority, whilst understanding the need to increase density and build upwards, would recommend the strengthening of the requirement for the use of Green, Green/Blue roofs to be used where appropriate. The County Council consistently see financial implications cited as a reason for these systems not to be used without any empirical evidence – this attitude change must be driven through policy change.

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?

The County Council, in respect of its role and responsibilities around climate change and adaptation matters, notes that the Department for Environment, Food and Rural Affairs, (DEFRA) now defines reduction emission work by industry sector, but there are few carbon accounting tools designed to be used within each specific sector. The County Council would also welcome exploration of carbon accounting through the plan making and development management stages.

The County Council would also wish to ensure that the tools for accurate carbon accounting do not become too complex, which can deter use and does not deliver true benefits. The County Council would ask that tools must be developed through positive engagement, and implemented with appropriate resourcing in place that has had appropriate training to ensure these tools are effective.

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

The County Council, as Lead Local Flood Authority, considers that planning reform must include the following changes to improve its effectiveness:

- Encourage developments to reduce runoff beyond just greenfield land where this will reduce flood risk downstream, to be determined in the Strategic Flood Risk Assessment (SFRA) and support a more sustainable water environment.
- Ensure no surface water connections to the foul or combined sewer; inability to discharge surface water sustainably should be a reason a site cannot be developed, like flood zone 3b.
- Mandatory minimum reductions in runoff from brownfield sites e.g. at least 50%.
- All systems to be positively drained unless categorically demonstrated as unachievable.
- The associated Non-Statutory Technical Standards for SuDS (sustainable drainage systems) systems should be revised and made statutory.
- Right to connect under the Water Management Act to be removed.

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

The County Council recognises that there is an increasing awareness around climate change matters, however, there appears to be a clear difference in views nationally and locally as to how this issue should be addressed. There must be engagement to ensure cohesive and supported action moving forward. The County Council would also at this stage again advocate the need for strategic and collaborative working to implement real change around climate change. Collaborative working must include all key stakeholders, including utility companies (including water and digital infrastructure), local authorities and government agencies (including the Environment Agency).

The County Council would generally welcome strengthening of planning policy around this topic, for example, additional wording to make policies more enforceable and responsibilities clear. The County Council would recommend that there must be close working between planning reforms and Building Regulations to ensure they complement each other and it is clear which legislation is intended to deal with each issue.

The County Council also recommends that there needs to be consideration of existing housing stock, as well as new development. Planning may not be able to address this and there should be other supportive workstreams to ensure that existing stock is also as sustainable and resilient as reasonably possible.

Local authorities at both a local and county level, require necessary resources to be able to ensure planning supports this agenda. This expertise will need to have access to training to ensure they remain up to date in their skills and expertise given the pace of change. Toolkits

can be a useful tool to ensure resources remain up to date, but these should be implemented carefully and effectively. Education and resourcing will be essential.

The County Council would like consideration of positive matters which can be addressed at the earliest stages of design, such as building orientation. Design policies, especially at a strategic level could be helpful in this respect and respond to a larger area.

In respect of transportation, the Local Highway Authority notes that planning is seeking a more passive approach to developments being supported by sustainable transport modes rather than an established vision. The new wording emphasises the need for stakeholders to be intentional in identifying and pursuing development locations that are not only compatible with sustainable transport modes but are directly supported by them. Encouraging modal shift towards more sustainable forms of transport must be implemented early on in a development to encourage behavioural change.

The County Council understands that strategic policies must be informed by a Strategic Flood Risk Assessment (paragraph 166) to manage flood risk, however, this has not been required for other climate change impacts. It is therefore recommended that policies are informed by a Climate Change Risk Assessment (CCRA) to ensure that climate risks can be measured and managed accordingly. This will ensure that local authorities incorporate adaptation on a national scale, encouraging parts of the country that currently do not have CCRA's completed for their area to find a way to undertake one (either funded or otherwise). This will provide increased compliance and accountability of new development to proactively adapt to climate change through the documentation of climate risks and their control measures.

The County Council, as Lead Local Flood Authority, considers that a requirement should be included for evidence of embedded carbon of materials and methods associated with drainage systems to be demonstrated with a view to it being demonstrated that this has been minimised as much as possible.

Availability of agricultural land for food production

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

The County Council, in respect of its role regarding rural economy matters, would only agree to the removal of the footnote provided that the national policy remains clear that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Farming for food is dependent on it being financially viable for farmers – and the current economic climate for farmers is not indicative of a thriving sector. This sector must have adequate support through the planning system and wider Government initiatives.

In addition to this, the County Council would like to see more protection for good quality agricultural land, as this supports the local economy and protects the character and supports the agricultural business that farm in the County.

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

The County Council, in respect of its role regarding the rural economy matters, recommends that policy must ensure that food production is offered appropriate protection and this matter must be strengthened in the text, and food production must be seen as an economic benefit.

The County Council would also recommend that planning policy needs to have an appreciation of agricultural infrastructure and its requirements. The County Council also seeks to ensure that agricultural land does not fall into the Grey Belt where land is productive.

The County Council would also recommend consideration of how urban, and peri-urban areas could be an opportunity for enhanced horticultural management – and other measures to enhance food production. This could include allocating sites for horticulture: smaller portions for individual or local group production (i.e. new allotment style sites) and larger portions for new entrepreneurial ‘market garden’ enterprises. This could be within and around urban areas and allow housing development without compromising overall food production.

Supporting water resilience

Improving the current thresholds for water resources developments in the NSIP regime

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?

The Lead Local Flood Authority recommends that water recycling and rainwater harvesting should be encouraged, especially in commercial developments where it can have a substantial impact.

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?

The County Council has no comments on this question.

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

The County Council, in respect of its responsibilities around biodiversity matters, notes that there are no proposed amendments or additions to section 15 in relation to conserving and enhancing the natural environment of the NPPF. This would suggest to the County Council that it is considered the current planning framework and associated approaches and protections are sufficient. The County Council would argue this was not the case – and during stakeholder engagement for the development of the Kent and Medway Local Nature Recovery Strategy, many people, from a broad and varied range of sectors, reported that the current planning system is failing in this regard.

Whilst the County Council appreciates the need to address the issues of the current planning system, it seems that the opportunity of a full review is not being taken. It is vital that the planning system plays its role in safeguarding and enhancing the habitats and nature to ensure, the delivery of quality housing in environments that continue to function and provide the range of ecosystem services that we so heavily rely on and will rely on further due to

climate changes. This is especially the case in reference to the legally binding commitment to reduce the decline of nature by 2030 – good land use planning is integral to the delivery of this.

The County Council, in respect of its role in the historic environment, notes that there have been no specific changes to the content of Chapter 16 - Conserving and enhancing the historic environment of the current NPPF. However, the benefits of heritage for community identity, wellbeing and placemaking have not been recognised in any of the accompanying documentation. It is important that the role which heritage assets and the wider historic environment can play in creating well-designed characterful spaces with a strong sense of place and identity, particularly in the context of regeneration of former industrial or previously developed areas, should be set out more clearly in policy and accompanying documents. Similarly, well cared for heritage assets in well used public spaces can help tackle antisocial behaviour and reduce crime.

Separately, the County Council notes that this chapter seeks to introduce further projects into the NSIP regime. The County Council considers that alongside bringing further projects into the NSIP, there needs to be reform as to how this process is currently performing. Reforms should be driven through consultation with key stakeholders – including applicants, the public and local authorities. The Planning Advisory NSIP network could be a useful source to help assess and consider the reform proposals which could improve the process and ensure the effective and efficient delivery of energy projects.

For example, although updates to National Policy Statements around energy have been welcomed as providing a level of certainty around Government direction, there is still a need for further policies around matters such as local authority cost recovery and community benefits.

Furthermore, it must be recognised that local authorities require significant resourcing to be able to engage in the NSIP process. It is a specialist area of planning, and there therefore needs to be more resources and training at both an officer and a Member level to be able to facilitate proper engagement. This proper engagement is needed to ensure that communities also feel they are properly represented in the process.

Chapter 10 – Changes to local plan intervention criteria

Revision of the local plan intervention policy criteria

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

The County Council considers that this appears to be reasonable and could reduce the level of uncertainty for which Government intervention may be exercised. However, there must be details provided of what intervention could be, and what support will be put in place to support local authorities.

It would also be important to ensure that this proposal would support county councils where the Local Plan fails to properly plan for development and in particular infrastructure provision.

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

The County Council has no comments in respect of this question.

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

Changes to planning application fees

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

The County Council is generally supportive of an increase in planning fees for all development to better reflect the cost of processing an application. Any change should be reasonably based on the scale of the development.

The County Council would note that in respect of householder application fees, raising the sum will make it unaffordable to residents and deter them from applying. Post development enforcement action will cost more in time and resources than income from raised fees. The County Council questions whether there is a means to simplify the process of applying and assessing householder applications so that they can be dealt with in a cost-effective manner to prevent cost deficits.

The County Council, other than for its own planning applications, receives no fees at present for planning applications other than for pre-application services, for certain services, despite its integral importance as a statutory consultee in the planning process. Some applications and proposals amount to considerable officer time and resources to be able to manage. The County Council would therefore use this opportunity to ask that in two-tier areas, there could be a clear mechanism for county councils to receive a fee towards planning applications which they are engaged with. The income generated from this could assist in covering resources and maintaining and improving resources.

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

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

The Planning Portal fee adds substantially to each householder application cost with a flat fee, imposed regardless of the size of an application – the County Council considers that, at times, this is disproportionately large for house extensions. A variable rate could be applied and more of this profit should be passed on to the planning authorities to help cover the cost of assessment.

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

No – it should be higher than £528

No – it should be lower than £528

no - there should be no fee increase

Don't know

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

The County Council, respecting its role in the planning process, would note that this question may be more relevant for district councils. However, they would ask how the variation in fees across the country could impact where developers develop.

It would be useful for authorities to understand how the cost recovery figure was reached – hourly rates, time assumed to process an application, additional costs factored in (travel, postage, printing, advertising, technical consultee costs, resourcing / infrastructure costs). This would help the County Council in understanding whether the approach could be taken into consideration with applications submitted to the County Council.

Proposed fee increase for other planning applications

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.

The County Council notes that there are a number of planning activities undertaken by the County Council, as Minerals and Waste Planning Authority, where the fee is inadequate or no fee applies. This includes section s73 applications, applications for small to medium sized commercial/industrial applications (including minerals and particularly waste development} and discharge of conditions for non-householder applications.

The County Council agrees that planning authorities need to be appropriately resourced to provide a high-quality planning service and deliver timely planning decisions to support priorities for growth. Planning application fees do not cover planning service costs and despite the increase in fees in 2023, the public purse continues to fund some of a developer's costs in bringing forward development. Whilst the fee assumptions set out in the consultation may be appropriate for decisions made by Borough and District Councils, this is not true of decisions made by a County Council for mineral and waste development which, by definition, are all classified as major. The processing costs of these applications are rarely covered by the planning fee. Unlike decisions for other forms of development, the specialist nature of 'county matter' development relies heavily on the ability to determine variations pursuant to s73 of the Town and Country Planning Act, attracting a planning fee of just £293. The County Council notes that the Government is giving consideration to previous comments that were made to the consultation in respect of the Levelling-up and Regeneration Act 2023 and that Planning Advisory Service is undertaking further work on this matter. This is welcomed and the County Council would be happy to assist in this work if it would be beneficial. The County Council previously provided experience of processing costs for s73 applications and where additional fee resource is justified. For completeness, these are set out below.

'The fee for any planning application needs to be a fair reflection of the work involved and set at a level so that costs do not fall disproportionately upon the local authority. Despite the recent welcome fee increases, the national planning application fee is currently set too low for changes to mineral and waste development. Mineral and waste permissions are often operational for decades and can be subject to a number of significant changes over that period, resulting in multiple s73 applications and associated decisions. Any change to a permission requires the reissue of the base permission, which necessitates a review of all the conditions irrespective of whether they are being varied, to ensure they are still relevant and up to date. For example, it would be unreasonable to issue a s73 decision with (earlier) pre commencement conditions if these matters have been addressed. The authority regularly spends time working through major decisions that can reasonably have 50 plus conditions.

Section 73 applications can be used to seek permission for a wide range of changes including the type and volume of waste streams, changes in processing and operations and changes in operating hours. Typically, they bring previously non considered aspects of a development closer to environmental constraints and communities which need detailed consideration to test the planning merits. Often, the base permissions will have been EIA development, which will need to be considered as part of any s73 determination.

Material changes to a mineral and waste management development, can require significant consultations, publicity, and engagement, including seeking advice from technical consultees at cost to the authority where that expertise is not available in house (such as noise, air quality, geotechnical, landscape advice). Similarly, there are legal costs associated with s106 agreements. These applications can require resources similar to those required to consider a fresh application for a new development, when addressing local community objections, negotiation on matters raised, Member involvement, the preparation of a detailed committee report and the drafting of decision notices. Whilst there is scope for minor changes to be covered by a lower fee, at present the s73 process costs the planning authority a significant sum to deliver, which diverts resources available from other parts of the function. For example, the current fee just covers the administration costs of the application. It does not cover costs for consulting on the proposals, attending site, assessing, reporting, or preparing a decision. As you are aware, the current fee for a s73 application is £293.

The following typical examples illustrate the concerns raised:

Example 1: A simple s73 application to vary two conditions to amend the layout of a waste recovery facility. The planning fee was £234. Following registration and validation, officers consulted 12 consultees and due to the submission of revised information, undertook a second round of consultation with these 12 parties. We received 11 responses to consultation. On this occasion, no comments were received from the local community. All mineral and waste development is major development for the purposes of a statutory press advert, which costs in this instance £20. Due to the nature of the proposed changes, additional technical advice accompanied the application and the County Council incurred £3367 fees seeking advice from its technical advisors on this element of the application. The site was less than 10 miles from the council offices (not typically the case), so mileage cost associated with the site visit was £6. The application was determined under delegated powers, so no committee costs other than an entry to a delegated list at a future committee for governance purposes. Assuming an average hourly rate of £65 (which takes account of

the time of a range of officers involved in the process including administration, case officer, supervision and sign off), and a conservative estimate of 25 hours of officer resource of £1625, then the processing of this application cost £5018 some £4784 more than the planning application fee.

Example 2: A s73 application to amend a condition to regularise minor changes to the layout of a waste digester facility and to seek permission for the installation of a biogas storage. The planning fee was £234. Following registration and validation, officers consulted 10 consultees and due to the submission of revised information, undertook a second round of consultation with these parties. We received 8 responses to consultation. The advert cost was £18 and mileage costs to visit the site were £18. Due to the nature of the proposed changes, the County Council incurred £1269 fees seeking advice from its technical advisors on this element of the application. The application was determined under delegated powers, so no committee costs other than an entry to a delegated list at a future committee for governance purposes. Assuming an average hourly rate of £65 (which takes account of the time of a range of officers involved in the process including administration, case officer, supervision and sign off), and a conservative estimate of 25 hours of officer resource of £1625, then the processing of this application cost £2930, some £2696 more than the planning application fee.

Whilst the principle of mineral or waste use has been established at a site, s73 applications can be as contentious as the original planning applications. They can attract considerable objection and where the base permission had a legal agreement, this will usually need to be revised as part of any new s73 consent. Significant officer time is required to process these applications. In these cases, the processing costs illustrated above are substantially increased as the planning authority seeks to work positively and proactively with an applicant and to those raising concerns to try and achieve an acceptable development. Unresolved material objections result in a committee decision, an extensive committee report and the costs of governance processes.

In practice, the current s73 planning fee covers the administrative costs associated with a typical application but does not address the costs incurred by planning officers associated with assessing the merits of a proposal and the committee and decision-making process. In addition, it does not recognise that local planning authorities do not have in house technical resources for specialist areas of expertise required by proposals and that these have to be externally sourced and funded for each application. It is therefore recommended that a new fee is set for mineral and waste management development that more realistically reflects the costs incurred. This could either be on a sliding scale or as a proportion of the original planning application fee, say 50%. It is worth noting that the fee for a non-material amendment which is not treated as a full application and requires none (or a fraction) of the advertising, consultation, and processing costs, is set at the same level.'

Small to medium sized commercial / industrial applications (including minerals and particularly waste development) - the fee for a new waste management facility is generally charged on site area or floorspace. The site area is often relatively small and are steered through policy toward existing industrial locations and development. For example, the fee to redevelop 0.5ha as a waste operation is £1,575, depending on the nature of the use. The Authority is very likely to need to secure specialist advice on noise, air quality / odour costing £800/900 for each specialism for a straightforward proposal. Once site visit(s),

administration, processing, etc. is added the fee received is significantly below the cost of processing the application. It is common for technical matters to be raised as part of community concerns, or by the council's technical advisor which results in revisions or clarifications and a subsequent round of consultation with the council's technical advisors, increasing the costs above the initial £800 per specialism.

Discharge of conditions for non-householder applications - the fee from this type of submission is set at £145 per submission (as submission can include multiple conditions). For a major case this does not reflect the work involved in assessing submissions, which can include involved and technical matters, like noise assessments and mitigation, BNG, landscape and ecological enhancement and drainage. All of which require time and expertise to assess. The fee for the discharge of a straightforward condition should be on par with that set for an NMA application. For more complex matters, including BNG (which could include the need for a legal agreement), this could reasonably be set at a higher rate which reflects officer processing time and costs incurred.

Lawful development certificate for a proposed use or operation - On a related matter, the fee for a lawful development certificate for a proposed use or operation to check the permitted development rights for mineral and waste development, currently set at half the normal planning fee, appears expensive. The cost of this application often puts applicants off seeking confirmation that a proposed development is lawful, particularly as a certificate is not an essential requirement for the development to proceed under the Permitted Development Order. This inadvertently reduces the opportunity for authorities to check on proposed development before it is progressed.

Overall, resourcing is significant issue facing county and district authorities' engagement in the planning process. Financial resources must be available for all areas of local authorities engaged in the planning process not just from applicants, Government funding must also be made available.

Fees for applications where there is currently no charge

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.

The County Council would suggest it would be reasonable to consider the need for a fee for monitoring and enforcement of planning permissions to ensure that they are built and maintained in accordance with the permissions. Local authorities do not have the resources to monitor and enforce the planning system in its current form. This is particularly relevant for commercial development that involves on going operational controls, like waste operations. In instances where a developer materially departs from the approved development, a planning authority should be able to secure the costs of monitoring and securing compliance.

At present, there is no exception / requirement that built development is signed off as compliant with the relevant planning permission. To assist in monitoring, consideration could be given to a chargeable sign-off process not dissimilar to the approach adopted by building regulations.

Whilst not an application type, considerable local authority resources are also spent on undertaking screening and scoping requests pursuant to the Environment Impact Assessment Regulations. There is no fee attached to this work which is statutory. It often involves consultation and advice from technical advisors (at the local authority's cost) and is time consuming, particularly considering the risk of legal challenge and the scrutiny these opinions attract. It is common for this process to be used as a free pre-application advice service, thereby avoiding the Council's chargeable service.

Similarly, a fee could be considered for those applications that require an Appropriate Assessment pursuant to the Habitat Regulations as part of the decision-making process. This can sometimes be required for small scale mineral and waste applications.

The County Council would note there needs to be a balance between seeking a fee whilst still incentivising the submission of applications. Fees cannot be set at a level where it discourages applications, especially where protected buildings and trees are involved. It is much more resource intensive to carry out enforcement against inappropriate works and hence damaged by inappropriate development. Heritage significance and value is irretrievably lost to the detriment of the whole of society.

The County Council would therefore wish to see appropriate charges being attributed to all types of applications where a specialist skilled resource from the local authority is required should be liable to an application fee.

The County Council would note that there also needs to be more formal guidance around Planning Performance Agreements, better encouraging their use in two-tier areas for county councils and what can be chargeable under the agreement.

Localisation of planning application fees

Model 1 – Full Localisation

Model 2 – Local Variation (from default national fee)

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

Please give your reasons in the text box below.

The County Council advises that this proposal is likely to be counterproductive and could create bias in the planning system. Variation in the fees received could influence the location of a development, it could also create a two-tier system in terms of resourcing. To create consistency and confidence in the planning system, the fees should continue to be set nationally at a fair level that reflects the costs involved. There is no justification for fees to vary across the country, the costs are broadly the same and, with adequate engagement with local authorities, can be set at a reasonable level dependent on government policy on cost recovery and its expectations on resourcing to help deliver, monitor and manage sustainable development targets. Fees must be set fairly, to ensure there is no local disparities – leading to risks and uncertainties in the planning process. Furthermore, any fees received must be ringfenced to ensure they support the proper sourcing of planning departments in local authorities.

Question 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.

As stated above a variation in the fees received could influence the location of a development, and could also create a two-tier system in terms of resourcing or a drop in fees to encourage development in a certain area.

It is considered that maintaining a nationally set default fee would be the most appropriate option, allowing for an optional flexibility.

Increasing fees to fund wider planning services

Question 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?

Fees of applications larger than householder size should be increased to fund wider planning services but should still be at a level of cost recovery. The County Council recommends consideration of whether it may be appropriate to use a portion of planning application fees to fund the specialist advice required at the site allocation stage of plan-making. With increased emphasis being placed on plan-making, the resources of local authorities need to be increased to provide this on a timely basis. The County Council considers that for some specialist areas, it is more appropriate that this is provided using the expertise of locally based services rather than consultants as locally based services have local expertise and understanding of the areas being considered.

The County Council recommends that fees should increase, however, full cost recovery or beyond could create a deterrent to development that should be weighed as part of any decision. Arguably, major development should contribute to the funding of the wider planning system since it is this type of development that benefits most from forward planning. As mentioned in the response, the County Council recognises the severe financial pressure all authorities are under and an increase in fees could help reduce this pressure.

Negotiation and revisions to the design of a development forms part of the planning process and scope for this should be allowed within the time allowed to process an application. However, significant changes and multiple submissions of further information through the processing of an application brings an additional cost burden to both the planning authority and consultees as any material changes need to be reconsulted on. Effectively, poorly made applications that have not gone through an appropriate pre-application design process often

cost more to determine. Consideration could be given as to whether this might be reflected in the fee.

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

The County Council considers that a mechanism to finance monitoring and enforcement of the planning system would be welcomed since in practice, this is under resourced and lacks the support or the tools to carry out the role swiftly and effectively, potentially undermining the planning process. Enforcement resources in Kent, working with Kent Districts and the Environment Agency are having to be focused on activities involving alleged large quantities of material being deposited on site and associated activities. This is diverting resources away from other planning enforcement matters.

Consideration should also be given to the cost to authorities and statutory consultees in commenting on applications – a considerable range of services at the County Council review and comment on applications to advise the Kent District and Borough Councils. Under resourcing of statutory consultees like county council services, the Environment Agency and Natural England causes delays, complications in decision making, and difficulties monitoring and enforcing development in breach of planning controls or unauthorised development continuing without regard to the planning process.

Transitional arrangements for emerging plans in preparation must also be resourced and funded accordingly.

Cost recovery for local authorities related to NSIP

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?

The County Council fully supports cost recovery for services provided by local authorities in relation to applications for development consent under the Planning Act 2008. This introduction is long awaited and is something that the County Council would be keen to see implemented as soon as practicable. The reference to local authorities must include district, county and unitary authorities.

Appropriate guidance around cost recovery must be made available to set a clear framework to ensure there is no ambiguity on what cost recovery can take place. This will be essential to avoid resources being overwhelmed with queries on this point, rather than being focused on the proposals being put forward. Guidance must set out the workstreams that the local authority is able to cover costs under. The guidance should include how work schedules and breakdowns should ideally be managed, when cost recovery can commence / finish (which should be from initial engagement on the project through post consent and delivery stages) and details which an applicant must provide to local authorities to facilitate proper engagement (such as project timelines to allow for resource planning). Engagement with the Planning Advisory Service NSIP Local Authority Network would be encouraged as part of the development of this guidance.

The County Council would welcome influence from the Planning Inspectorate to ensure that authorities are treated fairly and equally by applicants and hopes that the procedural advice to be prepared will provide this accordingly and ensure proper cost recovery through the process.

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.

Development Consent Order (DCO) applications place a significant resource burden on local authorities. Alongside this, it may be necessary for local authorities to commission specialist consultants to assist them with reviewing the application documents (which for projects such as the Lower Thames Crossing DCO was significant) and responding to the DCO process.

The County Council welcomes this positive movement to ensure that those involved in NSIPs can recover the costs expended through the process. This movement will hopefully allow for increased expertise and resources being allocated to projects, which should further benefit the outcomes of the projects and communities in which the projects are located. The reference to local authorities must include district, county, and unitary authorities.

The short timescales involved add extra pressure to already limited resources. By introducing the ability for local authorities to recover costs from the Applicant, this would be hugely beneficial, especially when local authorities' budgets are already significantly stretched. Planning Performance Agreements vary by DCO application, if they are offered by the Applicant at all, therefore guidance from the Government which brings consistency in what costs can or cannot be recovered by local authorities would be welcomed. Planning Performance Agreements as a mechanism for DCO cost recovery from Government owned companies are often the most limited, compared with privately owned companies, with many costs deemed to be part of local authorities' statutory duties not reimbursable. Definition of what constitutes a statutory duty for local authorities when it comes to responding to a DCO would be helpful as set out in the previous question. There must be clear guidance on this point, ambiguity will result in unnecessary and lengthy delays and resources when agreeing Planning Performance Agreements rather developing the project proposal. This is further considered within question 98 and reference is made to the clarity that guidance or policy must offer both applicants and local authorities.

In the case of the Lower Thames Crossing DCO, costs incurred in terms of responding to consultations by the applicant, National Highways (in which there were many in addition to the statutory consultation) were not recoverable through the Planning Performance Agreement and neither were any legal fees incurred during the Examination, which came at significant cost to local authorities' budgets. All costs incurred by local authorities in terms of responding to the DCO application should be reimbursed by the Applicant, as this is part of the cost of delivering nationally significant infrastructure and should not have to be met by local council budgets.

The County Council advocates the need for full cost recovery, and proper policy and guidance to support this covering the full range of services of all local authorities which can be impacted by an NSIP (not just those the applicant consider the most important). This must include significant services where statutory duties are held, discretionary services, as well as services of strategic planning teams which often offer coordination roles for local authorities to manage engagement through the process. All elements of engagement in the NSIP process – both statutory and non-statutory – must be covered by cost recovery mechanisms.

The County Council would note that any cost recovery must still encourage applicants to manage pre-application effectively and ensure sufficient evidence gathering and consultation on that evidence takes place at this stage.

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

The County Council considers that there should be no limitations as all reasonably and properly incurred costs in providing information that the Applicant requires and in responding to the Development Consent Order (DCO) process should be recoverable. There must be no hinderance to local authorities for example, where they may be opposed to the development of a DCO. It must still be possible for full cost recovery. The applicant must not have opportunity to be able to restrict cost recovery.

The regulations should also ensure that each local authority is treated the same to allow consistency across the board. For example, for the Lower Thames Crossing DCO, National Highways agreed to an enhanced Planning Performance Agreement with Thurrock Council because it had issued a Section 114 notice, but the other host authorities, including the County Council, who were also struggling financially, were not given an enhanced Planning Performance Agreement and so recovery of costs was not equitable across all the local authorities.

One area of challenge is local authority representation from a Barrister. The County Council considers that this appointment should be covered under reasonable cost recovery, particularly at the examination stages of the application. During the examination, the applicant will usually be represented by a barrister, it is not considered fair and equitable that local authorities must cover the costs of appointing their own barrister, or face being on an uneven footing at the examination.

The County Council would draw attention to commentary raised in questions 98-99 so as not to repeat commentary here also.

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.

The County Council considers that it would be a much more productive working partnership and a more efficient pathway through the DCO process, if local authorities had confidence that all their costs were to be fully reimbursed from the start.

The level of engagement and information required from local authorities for NSIPs places a significant resource and financial burden on local councils. Experience with the Lower Thames Crossing, promoted by a Government owned company, National Highways, has demonstrated the disparity between level of resource of the applicant and the host authorities, which although could never be matched, though full cost recovery could go some way towards meeting the expectations of NSIP applicants.

There are examples of good practice with the Lower Thames Crossing application, especially with funding from the Applicant through the Planning Performance Agreement for the local highway authority to assess the impacts the new Crossing on the wider road network and begin the process of developing mitigation schemes to bid for potential future funding streams when they come forward. Arguably, the applicant should have been doing this work themselves as part of its Transport Assessment and then proposed the mitigation for those impacts in the draft Requirements of the DCO or by other mechanisms, e.g. Section 106, but the work was instead sought from the County Council, as the Local Highway Authority, to strengthen their arguments for wider mitigation throughout the examination. Nevertheless, work that the Local Highway Authority needed to do in response to the NSIP was funded by the applicant.

However, as stated in response to Question 99, other work streams, such as anything deemed to be a statutory duty of a local authority in responding to planning applications, and all legal costs associated with the Examination, were not eligible for cost recovery from National Highways as a Government owned company, thus some costs for nationally significant infrastructure are met by local authorities' budgets.

The County Council would again urge Government engagement with the Planning Advisory Service Local Authority Network for evidence gathering purposes on this point.

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

The County Council would remind the Government of the significant resource implications of engaging in an NSIP, and with more projects entering into the regime as proposed throughout this consultation, the process must be fair and work for all parties involved. As this response points out, there is a clear need for reform in this area of planning to ensure that it is an efficient process. The County Council would again urge Government engagement with the Planning Advisory Service NSIP Local Authority Network for further discussions, which the County Council is a part of. Local authorities have a key role in both providing technical considerations of these projects, but also representing their local communities. Their role in the process must not be underestimated and proper resourcing and funding must be provided accordingly.

Chapter 12 – The future of planning policy and plan making

Transitional arrangements for emerging plans in preparation

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

From the County Council's plan making perspective and the stage that the County Council is at with its Mineral and Waste Local Plan, there is no objection to the proposed transitional arrangements.

The County Council notes that the changes proposed within this consultation will require resources to implement – these resources must be available, with the appropriate skills to ensure that resources are not diverted away from other important workstreams.

Further plan-making reforms

Summary

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

The County Council would stress the need for proper guidance to be introduced to ensure clarity and limit risks around delays to plan-making.

The County Council welcomes the intention to extend the current plan arrangements for Local Plans to be submitted no later than December 2026 as the previous deadline set would have been too short and would have taken up a considerable amount of the County Council's resources due to a number of Local Planning Authorities looking to submit consultations at the same time. The County Council also notes that further details of the Government's intentions around plan-making reform will be published in due course. As part of that process, it would welcome clarification to matters previously raised in an earlier consultation response in respect of uncertainties regarding the future of Mineral and Waste Sites Plans which are relied upon by several county authorities as part of the Development Plan. The County Council would welcome engagement with the Government on this matter.

Future changes to the NPPF

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

The County Council would welcome any national changes on improved information sharing between local authorities and particularly government organisations to assist decision making. Whilst access to GIS datasets is improving (including via .GOV), it is still not straightforward to gather the planning and constraint data necessary to support decision making and forward planning. The County Council notes that datasets are not always available or kept up to date.

Chapter 13 – Public Sector Equality Duty

Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If

so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

The County Council notes that it is essential that all proposals are fully considered against the Equality Act 2010 to ensure the planning system delivers truly sustainable growth and sustainable communities.