

Supplement to the agenda for

Council

Friday 11 October 2024

10.00 am

**Conference Room 1 - Herefordshire Council, Plough Lane
Offices, Hereford, HR4 0LE**

	Pages
5. QUESTIONS FROM MEMBERS OF THE PUBLIC - APPENDIX HEREFORDSHIRE NPPF 2024 CHANGES CONSULTATION RESPONSE	3 - 44

<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

Related NPPF Para	Question	Response
Chapter 3 – Planning for the homes we need		
Para 61	Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?	<p>Paragraph 61 of the NPPF Dec 2023 stated that '<i>The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area</i>'. In the NPPF July 2024, the proposed mandatory target for the county of Herefordshire has risen from 773 dwellings to 1,375 dwellings per annum. This is a 43% increase on the current housing target or conversely the 20 year housing target has risen from the current Standard Method of 16,100 to 27,500 dwellings. The target has nearly doubled. The average annual housing delivery in the county over the past 10 years is 675 dwellings per annum making the new target a very significant increase on past trends and current proposals. Therefore making this increased target a mandatory target before having the opportunity to ascertain whether or not this large increase in delivery is possible is a risk for plan making as it's so far removed from the current rate of growth. The concern is despite all efforts to plan for this, it will simply not deliver the growth central government wants as the market for it may not be there. Housing growth has many factors to it before the delivery of it can be truly realised.</p> <p>If these mandatory targets which are highly aspirational and do not reflect past build rates and market demand are imposed upon councils, then the NPPF must be amended to remove the requirement for a 5 year housing land supply. The implications of not doing this would result in councils not having a 5 year land supply and departure from a plan made system where applications are determined by appeal.</p>
Para 61 and glossary	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?	<p>Paragraph 61 of the NPPF Dec 2023 stated that '<i>There may be exceptional circumstances, including relating to the particular demographic characteristics of an area which justify an alternative approach which to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals.</i>'</p> <p>This paragraph should not be removed as it is only realistic to allow for the possibility that there may be areas of the country that need a particular response to housing need. Areas like Herefordshire with affordability issues such as high house prices and lower incomes always need affordable homes. However, further economic analysis should be applied rather than simply increasing housing targets as it</p>

		is questionable whether the age old economic theory of 'increasing supply' will lead to a reduction in house prices. Mechanisms for affordable housing delivery is required.
Para 62	Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?	<p>Yes, the December 2023 changes should be reversed. Cities are sustainable locations where growth should be directed as long as the appropriate infrastructure and services are also delivered to compliment the growth and increasing population.</p> <p>The mandatory targets proposed seek to distribute significant housing growth to rural and peripheral counties that are not necessarily equipped with the level of infrastructure required to support such levels of growth. Distributing such growth to rural and peripheral counties is unsustainable in order to do so it will require significant investment and far more infrastructure with utilities such as water supply, drainage, highway and social and health infrastructure to realise this aspiration.</p> <p>Affordable housing is needed but in order for it to come forward with confidence the accompanying infrastructure and employment needs to come forward at the same time. There should be emphasis and policy attention on this aspect and how it can support such growth. Concern over impacts on climate change and carbon modelling in these rural counties must be taken into account.</p>
Para 130	Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?	<p>No, to make the most effective use of land, in both rural and urban areas council require the ability to determine the character and density of sites based on local needs.</p> <p>It is inadequate to assess density based on UK wide averages for urban areas, for example Hereford has a low urban density in comparison, and applying the same level of uplift to the UK average would significantly impact and harm and setting of the city. The benefits of design coding and masterplanning for character and density will allow for the appropriate density for the urban area to be applied but this should be determined by the relevant council.</p> <p>The notion of localised design codes, masterplans, and guides is well supported. Within Herefordshire there are 102 neighbourhood plans out of 122 parishes, of whom a majority support the preparation of localised design codes.</p>
	Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that	<p>In part.</p> <p>The notion of design codes focuses on opportunities and constraints within a settlement/county, which includes the opportunities to make the most efficient use of land, and identifying additional spaces suitable for development, beyond the plan period of a Local Plan.</p>

<p>c</p>	<p>provide the greatest opportunities for change such as greater density, in particular the development of large new communities?</p>	<p>If the approach suggested in the question is adopted, a range of questions arise;</p> <ul style="list-style-type: none"> • Would Neighbourhood Development Plans be included? They produce their spatial visions at a neighbourhood level; and • In terms of spatial visions, at what level is the focus; site, settlement, county? Where do you draw the line, rural counties allocate sites in rural settlements, would these settlements need to be included? If so, the exclusion of other settlements could be deemed as exclusive. It would be recommended that either a site or a county approach would be most appropriate for rural counties, such as Herefordshire. <p>The approach seems to be urban-focused, which is something that Herefordshire often struggles with and is not covered by due to its rural nature. The use of “large new communities” is very vague, for rural counties such as Herefordshire, large developments or those classed as strategic as part of Local Plan policy can be from as few as 30 dwellings.</p> <p>The wording of “new communities” suggests that there is a separation of ‘new’ and ‘existing’ communities, where in most cases this is not the case. It is suggested that ‘strategic development sites’, be used instead to encompass the plan-making approach. However, a non-county-based approach will lead to gaps of land not covered within a Design Code, which could lead to areas where opportunities have been missed.</p> <p>Design coding in areas such as Hereford will work on a strategic allocation basis as the county is so sparse and historic. Zoning and master planning new larger developments will be achievable but this must be scaled and take into account the existing areas character.</p> <p>To be able to adequately produce a Design Code alongside a Local Plan, additional funding/resources will be needed for LPAs, as producing a Local Plan is already a costly and resource intense endeavour, any additional requirements would impact the cost and plan production period.</p>
<p>Para 11</p>	<p>Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?</p>	<p>The clarity on what policies to be considered out of date is welcome. However, retaining the presumption in favour will have serious implications for Local Planning Authorities if the Mandatory Targets do go forward. The targets will be factored into the Five Year Housing Land Supply then many Local Planning Authorities will see their Five Year Land Supply fall below the threshold as they have had no time prepare for such an increased housing target. This will inevitably lead to sites coming forward which are not Plan led. It may even impinge on strategic plans/masterplans as they endeavour to assimilate land for the longer term growth of an area which is aiming to deliver large strategic sites which will also deliver the required growth but in a more planned and co-ordinated manner. In addition to addressing better</p>

		<p>designed places, there should be an acknowledgement of plans where strategic priorities in emerging plans ought to be given more weight.</p> <p>If the Government is serious about imposing mandatory housing targets then the requirement for a 5 year housing land supply should be abolished.</p>
Para 76	<p>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?</p>	<p>The December 2023 NPPF position giving exemption to Local Planning Authorities with up to date Plans should be reinstated as it gives communities some assurance that planned development can be expected but reduces the likelihood of planning by appeal. More supportive 'plan making' policies within the NPPF would enable this to happen and reduces the likelihood of reactive planning. Huge investment of LPA budgets, staff and resources are utilised in the plan making process and to have it trumped by the appeals system disincentives communities. This also affects whole communities drafting Neighbourhood Development Plans who are also investing time and resources into plan making within their parishes.</p> <p>If the standard method goes forward as proposed then the 5 year housing land supply requirement should no longer apply. Significant work and resources will be required to identify sites to meet the mandatory growth targets that far exceeds previous annual build rates and market demand. Given this highly aspirational build rate that will largely be determined by the uptake of developers and their propensity to build, the Government will need to acknowledge this and meet councils half way by removing the 5 year land supply requirement that can be used against councils for non-delivery. The council only has the ability to identify and allocate suitable sites for development but has no powers or financial ability to force developers to bring forward sites.</p>
Para 77	<p>Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?</p>	<p>Communities will see this as a very difficult position to be in where they must continually accommodate unplanned growth. There must be more supportive plan making policies where authorities are striving to update local plans. Continual non-plan-led planning inevitably jeopardises the plan led system as infrastructure requirements will be needed for both. Greater support for infrastructure provision and coordination is necessary if strategic planning is going to work alongside this ambition.</p> <p>There needs to be recognition of over supply on housing. With raised housing targets, the burden of a lowered housing supply will leave communities in a situation where localism is at risk.</p> <p>The removal of the 20% buffer is welcome</p>

Para 76	Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?	No, an additional 5% on top of an already significantly increased target will be a notable increase which shifts the target further away again. This is especially relevant to authorities who have had marked increases to their target.
	Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?	The question above has been answered 'no'.
	Question 11: Do you agree with the removal of policy on Annual Position Statements?	<p>It is unclear what is meant by removing the option for local planning authorities to “fix” their 5 year supply through Annual Position Statements. These reports are produced annually with a large amount of monitoring and investigative work to ensure a robust and defensible position is established.</p> <p>Annual Position Statements are a good mechanism for determining housing delivery. If the Government is intent on imposing mandatory housing targets this is the most effective way of monitoring housing delivery as opposed to the existing 5 Year Housing Land Supply requirement.</p>
Para 24 to 27	Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?	<p>The duty to cooperate (DtC) provides a mechanism to facilitate cross boundary discussions and solutions as part of the plan making process. We would support mechanisms that strengthen and clarify the duty to co-operate requirements to ensure local planning authorities can adequately demonstrate that they have fulfilled the requirements and help to avoid delays at the examination stage on this issue. It is noted that the NPPF only applies to England and as a county bordering three Welsh planning authorities advice on requirements for engagement with Welsh authorities would be welcome.</p> <p>With the proposed increases in housing for many areas, the DtC process is likely to become significantly more challenging. The housing targets are mandatory for individual areas yet paragraph 27 b requires authorities to meet other authorities unmet needs. If mandatory targets are applied to each council then this should be reflected with this requirement removed.</p> <p>We note that the Government intends to introduce new mechanisms for cross-boundary strategic planning which will be applied to mayoral areas first. Until details of this proposed strategic planning are available it is not possible to comment on the effectiveness of such an approach Regarding statements of common ground – further guidance on these in an updated Planning Practice Guidance would be helpful in terms of when they should be prepared in the process and how often they should be updated.</p>

		The NPPF continues to be silent on how English Local Planning Authorities that border Wales should approach any cross strategic boundary planning matters with neighbouring Welsh planning authorities.
N/A	Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?	The tests of soundness work well for the examination of plans. Longer term planning inevitably is riskier when considering proposals for growth which involve funding and co-ordination with a number of agencies and organisations.
N/A	Question 14: Do you have any other suggestions relating to the proposals in this chapter? (Chapter 3 – Planning for the homes we need)	<p>The following suggestions relating to chapter 3 include:</p> <ul style="list-style-type: none"> • A mandatory increase of 43% to Herefordshire’s housing target is too high and the market is unlikely to deliver it. • Herefordshire has greater need for affordable than market housing according to our needs assessment. Increasing the total housing is not going to solve that issue. • Mechanisms for nationwide increased affordable housing delivery are necessary. • The 5 year housing land supply requirement must be removed as enforcing high housing targets alongside this requirement will be a departure from a plan made system as appeals will rise. • Resources in planning teams must not always be directed towards reactive planning as this is hugely impactful on small policy making teams. • Exceptional circumstances should not be removed, its taking realism out of plan making • Retain the urban uplift as cities are sustainable places for growth. A review of the 2023 list may be required and may need to be distributed more widely. It works far better for climate change. • Councils should be able to determine their own densities for their own character areas as its so variable across the country. • Design codes must allow for urban and rural locations to incorporate them into their plans • The presumption in favour is mainly focused on supply, it has the potential to hinder serious strategic plan making and stymie development potential. • The council only has the ability to identify and allocate suitable sites for development but has no powers or financial ability to force developers to bring forward sites or build out permissions. • There needs to be recognition of over supply on housing. • Infrastructure planning and planning for housing go hand in hand and must be jointly co-ordinated. • Localism is at risk as such mandatory targets will affect 5 year supply leaving communities always open to speculative development despite best efforts to plan for appropriate growth in their areas.

		<ul style="list-style-type: none"> • The additional 5% buffer is unnecessary as the government’s national target has already been uplifted with the standard method’s 0.6 multiplier. • Annual Position Statements are helpful in monitoring delivery rather than the 5 Year Housing Land Supply. • Strengthen the Duty to Cooperate mechanisms as that will strengthen and clarify the requirements to ensure local planning authorities can adequately demonstrate that they have fulfilled the requirements and help to avoid delays at examination. • Remove the requirement to meet unmet need with other authorities particularly if the targets are mandatory. • Guidance for cross boundary working with authorities bordering Wales would be welcome. • The tests of soundness work well for the examination of plans.
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Chapter 4 – A new Standard Method for assessing housing needs

<p>New standard method</p>	<p>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?</p>	<p>There is a case for not using household projections for the baseline. Recent downward revisions to mid-year estimates of Herefordshire’s population has resulted in the projections from 2014 being incorrect, overestimating the growth rate for the county. The Office for National Statistics is set to release revised projections in 2025 that take these revised figures into account, and any fluctuations brought about by migration patterns in the wake of Brexit and the pandemic. In the absence of these, it is unclear however whether the existing approach of using the projections would continue to return “inaccurate” growth forecasts with updated data.</p> <p>With regard to using the housing stock, care needs to be taken on what comes under the definition of existing housing stock. In counties such as Herefordshire, there is typically a number of would-be primary residential properties in use as either second homes or holiday lets. These clearly should not be counted towards the existing stock. The use of 0.8% figure for the housing stock possibly accounts for this but it is not stated as it appears to be based on average growth.</p> <p>Using a percentage of existing housing stock would not provide a good indication of future housing need. Neither would it be reflective of past trajectories of housing growth and annual completions. The resultant figure derived from using this method of 1375 houses per annum has never been achieved and far exceeds the previous method that resulted in a requirement of 773 per annum. The approach in the calculation of any standard method needs to be informed by and reflect local housing market needs assessment as this cannot be considered solely from supply side model.</p>
	<p>Question 16: Do you agree that using the workplace-</p>	

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 multiplier of 0.6 that is derived from using this method results in a disproportionately large housing requirement per annum for Herefordshire. The housing requirement per annum using this method is 1375 and this build rate has never been achieved nor have we witnessed or have evidence to suggest that there is this level of demand within the county. The highest level of growth ever achieved was 1014 in 2021/22. The average housing figure over a 10 year period is 675 houses per annum.

Having analysed this approach it is considered that this multiplier is too high. If we apply the multiplier of 0.25 as per the current proposed standard method to the % of housing stock it would produce a requirement of 991 per annum. This is 3,800 more than that required currently. We have looked at applying 0.4 as a multiplier and consider this to be at the upper limit of the highest level of growth that could be accommodated over a 20 year plan period but we would envisage this to be very difficult to achieve as the target far surpasses the highest level of growth ever achieved. Please see table below that illustrates this point.

If we use the new method that is based on % of housing stock

Multiplier	0.25	0.4	0.6
Per annum	991	1156	1375
Over 20 year plan period (No of dwellings)	19,829	23,120	27,500

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

The 0.6% multiplier represents a significant increase on the existing 0.25%. It is unclear what this figure is based on, or what the justification is for it.

A standard method calculation using the existing affordability multiplier of 0.25% (with affordability ratio now averaged over 3 years as proposed) against the proposed 0.8% of housing stock increase baseline returns a target for Herefordshire of 991 dwellings per annum. Or 19,829 over 20 years, for the purposes of plan-making.

Though it still represents a notable uplift on the existing target, this figure is considered more within the capabilities of being delivered in terms of Herefordshire's environmental constraints, availability of suitable land, its existing and planned infrastructure, and ability to accommodate sufficient accompanying economic/employment land development. Various findings of the emerging evidence base for the council's draft Local Plan would also appear to suggest this. It is our view as illustrated in

		Question 16 that a multiplier of 0.4 would be at the very upper limits of growth that can be accommodated.
	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?	<p>Herefordshire Council's Housing Market Needs Assessment (2021) does incorporate the needs of the rental sector, which will be updated as we progress the Local Plan.</p> <p>The document was used to inform the authority's objectively assessed need baseline for housing growth. Therefore factoring this in for the standard method going forward would be consistent with this approach.</p>
New standard method	Question 19: Do you have any additional comments on the proposed method for assessing housing needs?	<p>High level summary of the proposed Standard Method approach and wider implications</p> <ul style="list-style-type: none"> • The 2014 projections are outdated and whilst they provide a past trajectory, there are concerns about using this as a base for the standard method. • Housing stock is not the most reliable indicator of future need as it does not reflect past trends or demonstrate housing need. • The resultant housing target derived from the housing stock percentage exceeds past annual growth rates in the county. • Housing targets should reflect local housing market needs assessments and not just a formula approach. • A multiplier of 0.6 far exceeds the current housing growth target to an excessive amount that is radically more than past delivery rates and unlikely to be achievable in the market. • Even the lower multiplier of 0.4 applied to the proposed standard method formula is still too much housing for the county and would represent the very upper limit of what could be achievable (this remains in our view a highly aspirational growth target). • Using the current standard method multiplier of 0.25 and applying it to the proposed standard method formula would mean a higher rate of growth than the county has previously delivered but would be more achievable. This is approximately 3000 more homes than in the council's current Regulation 18 Local Plan. • Herefordshire's Housing Market Needs Assessment does factor in the rental affordability • The local environmental constraints for Herefordshire include a large portion of the county with nutrient neutrality issues whereby development must undergo phosphate trading to come forward. These are circumstances unique to some councils but need to be considered in relation to capacity for growth. Herefordshire Council also has National Landscapes to take into consideration. • The county's rural nature has limited public transport and relies heavily on the private car.

- The council has had no assurances from the Department for Transport that it will support its transport related schemes
- Any growth will need to be supported by infrastructure. The provision of utility supply is of concern because energy and utility providers are not equipped to commit infrastructure long term and work to 5 year delivery plans i.e. AMP Plans by water companies. Also electricity supply by the National Grid is of concern for Herefordshire.
- Total reliance on the market to deliver this growth is not the way forward.
- The 5 year supply requirement needs to be removed if the Government wants councils to aim for higher (and largely aspirational) growth targets.
- The NPPF needs to be clearer on what support will be provided to councils to accelerate housing growth and what form this will take (funding for studies/financial support/additional staff resource)
- The Government need to meet councils halfway in this growth ambition by removing the 5 year housing land supply requirement as otherwise this will undermine a plan led system and lead to planning by appeal.

Detailed summary

The introduction of this method in its current proposed state would likely make it very difficult for the authority to be able to demonstrate a 5 year housing land supply against the requirements. This in turn would leave it open to speculative developments on poor quality unsustainable sites through the appeal process, and an undermining of a plan-led system for delivering growth.

Increasing housing targets has wider implications for Herefordshire. It has particular local environmental constraints with the issue of nutrient neutrality affecting one third of the area due to high levels of phosphate in the River Lugg which is a catchment of the River Wye Special Area of Conservation and similarly for the River Clun catchment. Housing developments in these locations must come forward with phosphate credits and the council must plan for the wetland provision needed. Increased growth in these areas will require further environmental mitigation. Furthermore the River Wye is at unfavourable declining status.

Herefordshire is one of England's most rural counties and is relatively lacking in public transport infrastructure with only four railway stations. Rural bus services require continued support and subsidy. It has a higher proportion (21%) who travel 20km or more, compared to England and Wales (15%). This level of growth will mean increased commuting as the county is more limited with economic options. Gross Domestic Product (GDP) per head of population which is a measure of relative economic prosperity, is significantly lower than the national GDP. The county doesn't have the economic base to work with such high housing targets. More employment land and significant infrastructure will need to be planned to avoid unsustainable commuting.

Infrastructure plays a large part in this level of delivery and it would work better if organisations such as the water companies and utility providers were more aligned to future growth ambitions but their plans do not work in the same way. They should be better aligned to strategic and Local Plans if growth is the ambition of central government. Similarly health and education need to collaborate effectively to enable delivery. Major strategic solutions are required to deliver this level of housing growth and central government departments such as DfT need to work positively with Herefordshire to support them in their ambitions if they want this level of growth to be realised.

Much of the Local Plan supporting evidence to date was written according to the pre July 2024 NPPF and relates to much lower housing targets and will therefore need to be recommissioned as it does not align to these significantly increased mandatory housing target. This will take additional time and resources to complete. The December 2026 deadline would need to be extended to allow LPAs to rewrite and consult on their Plans. Local Councils are time restricted as the lead in times to consultation and the governance can take up an inordinate amount of time. Without more sophisticated AI technology, the time spent analysing consultation comments can also take a prolonged period of time when resources are limited.

The county would like to see further growth but it needs to be at a more appropriate scale. Therefore the Government needs to meet councils halfway in their ambition to fulfil the housing growth agenda and give us the right tools to deliver it. Only then will we see housing growth come forward through the plan led system.

Chapter 5 – Brownfield, grey belt and the Green Belt

Para 124c

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 existing NPPF's wording in para. 124c already states that substantial weight should be given to using suitable brownfield land within settlements for homes and other identified needs.

LPAs maintain brownfield land registers. However having proposals on brownfield land being regarded as "acceptable in principle", as a precursor to a passport system which fast-tracks the development of such land for housing or "other identified needs" (presumably for uses other than housing), may result in poor quality or inappropriate forms of development taking place.

LPA registers contain brownfield land where housing development is considered to be 'suitable'. This is a high level assessment and relates to housing only, not any other uses which would meet "other identified needs". For the presumption in favour of the principle of development on such sites to work, registers would need to include considerable detail about the planning constraints and opportunities of

		<p>each individual site, with information about the specific uses that may/may not be acceptable given particular site characteristics. Without such details, a system whereby housing and other identified needs are presumed to be acceptable in principle on brownfield sites, may not work to the benefit of existing nearby users, to the new occupants/users of the scheme or give sufficient weight to wider landscape/townscape (and other) interests. To formulate a more detailed register would add to the pressures on already under-resourced planning departments.</p> <p>The scope and definition of brownfield passports is not sufficiently detailed in this consultation for councils to provide an informed view. At this present time we would consider passports to be an additional complexity to planning guidance that will confuse matters.</p> <p>To conclude; it is considered that para 124c is already strong enough to provide developers and planning authorities with the guidance they need to ensure that brownfield land development is supported, encouraged and prioritised, where appropriate. The current guidance also allows for proposals to be assessed in the usual way, considering all aspects of the planning balance.</p>
Para 154g	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?	
	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?	<p>An expansion of the definition could bring about development on land such as residential gardens, parks, recreation grounds, allotments etc. These and other current exclusions are in place to protect our urban spaces from being swallowed up by built development. Such spaces often add to the history and character of settlements, which, if lost, could impact greatly on townscapes and on local inhabitants.</p> <p>PDL is established in case law, any changes to the definition are likely to result in complexity and confusion in their application and this change is not considered necessary.</p>
Green belt/grey belt	Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?	Herefordshire does not have any Green Belt designations but the growth proposed would mean extensive take up of Greenfield agricultural land in the county.
	Question 24: Are any additional measures needed to	Non applicable, see response to question 23

	ensure that high performing Green Belt land is not degraded to meet grey belt criteria?	
	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?	Non applicable, see response to question 23
	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?	Non applicable, see response to question 23
	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?	Good planning principles for high quality place making where new development is concerned should be applicable in all developments regardless of their location
	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?	Any automatic presumptions which favour the development of land types "in principle" risk unacceptable forms of development coming forward and are not supported. LPAs (and NDP groups) should be given the opportunities to either allocate parcels of land in Local Plans or NDPs which are suitable for development in principle, or to make planning decisions based on the consideration of the planning balance for each site, However, the general aim of developing brownfield and grey belt land ahead of greenfield and green belt land is supported.
	Question 29: Do you agree with our proposal to make clear that the release of land	Yes, this is an appropriate stance.

	should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?	
	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?	As long as it does not undermine the purpose of the Green Belt designation. Defining the areas of grey belt will require intensive assessment.
	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?	If housing is to be delivered in Green Belt locations then like anywhere else, it will require the necessary additional place making developments such as employment and commercial land as well as services and facilities to compliment the growth. If not, it risks becoming an isolated development or commuter area.
Green belt and 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?	<p>As we have stated in answer to question 55 below, we note that there are no references in relation to Traveller site provision apart from in relation to Green Belt. Given the risk of undersupply of traveller sites we suggest that the Planning Policy for Traveller Sites (PPTS) would benefit from either a review or incorporating into the NPPF, as it is a type of housing provision. Consideration needs to be given to identifying the most effective ways of ensuring that adequate sites for travellers and travelling show people are provided. A recent report by Simon Ruston outlines some of the issues faced by local planning authorities in this regard.</p> <p>Traveller site assessments should be undertaken irrespective of their location. Traveller sites where possible should be located in sustainable locations and this has no bearing on a Greenbelt review. It should be recognised that not all local planning authority areas include land designated as green belt and therefore a more flexible approach to green belt will not assist all LPAs in this regard.</p>
	Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a	Traveller site assessments should be undertaken irrespective of their location. Traveller sites where possible should be located in sustainable locations and this has no bearing on a Greenbelt review. Guidance of traveller assessments would be welcome to ensure a consistent approach across the county and to avoid the methodology used and its resultant implications causing delays at examination stage.

	local planning authority should undertake a Green Belt review?	
Green belt and affordable housing	Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?	Every site should be determined on its merits and constraints therefore this should be set by each council and not national planning guidance.
	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?	50% affordable housing is unlikely to be viable in almost all instances. Where extensions into the greenbelt are allocated these sites will require significant infrastructure and therefore it does not follow that these sites will be cheaper to develop. The types of infrastructure include highway, utility provision and drainage, social and community infrastructure (schools, medical facilities, shops). Affordable housing targets should be set by each council.
Green belt and 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?	Good planning principles for high quality place making where new development is concerned should be applicable in all developments regardless of their location
Green belt and benchmark 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?	It could be acceptable if its sole purpose is to prevent excessive profiteering by landowners in the sale of Greenbelt land as this would inflate house prices significantly. However in general this is not considered to be a role and function of planning guidance as competition is not a consideration. The only mechanism for securing the release of land for development is through CPO powers or the like as irrespective of land values a sale cannot be forced.
	Question 38: How and at what level should Government set benchmark land values?	We disagree with the Government's intention to set Benchmark Land values. This is a futile way forward as consideration needs to be given to facilitate the release of greenbelt land for development. For example a landowner can refuse to sell greenbelt land for development irrespective of financial settlement.
	Question 39: To support the delivery of the golden rules, the Government is exploring a	<ul style="list-style-type: none"> • This has the potential to stall housing delivery. • Developers have often already landbanked their site or paid an option agreement on it.

	<p>reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?</p>	<ul style="list-style-type: none"> • Developers will only bring forward sites on the basis that a profit margin agreed within the range of 17- 25%. • Greenbelt release for development is likely to be affected by viability issues as it is likely to require all new infrastructure and connections. It does not follow that these sites will be less expensive to develop. • The basic principle is that the sale of greenbelt land to accommodate future growth cannot easily be enforced irrespective of benchmark land values. Whilst the draft makes reference to compulsory purchase powers under part 2 of the Land Compensation Act 1961, it is highly likely that councils would require support in doing this. Similarly this is quite a protracted process and would not lead to housing delivery. • The setting of national landvalues is questionable as the areas of the country vary greatly in terms of value. • It is important for councils to have scope for negotiation on a site by site basis.
	<p>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?</p>	<p>Provided the development is policy compliant and a local plan is up to date we would agree with this approach as it provides the development industry with certainty to bring forward development.</p>
	<p>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?</p>	<p>The council does agree that late stage viability reviews should take place where viability contributions are below the level set in policy. The NPPF should allow for late stage reviews.</p> <p>The NPPF could consider the use of an overage clause as another mechanism for achieving this. An overage clause would review the development value once completed compared to the values set out in the viability assessments where the developer makes profit in excess of this, that profit is then shared with the council to deliver additional infrastructure.</p>
	<p>Question 42: Do you have a view on how golden rules might apply to non-residential development, including</p>	<p>The Golden Rules generally reflect good planning practice and principles and should be applied to all forms of development irrespective of their use class. Whilst the release of green belt land is designed to make sustainable communities with the growth of additional housing, employment provision is equally important to make communities truly sustainable and should address the same principles.</p>

	commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?	
	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?	Again, the Golden Rules generally reflect good planning practice and principles and should be applied to all forms of development irrespective of their location and that's why they are called Golden Rules.
	Question 44 Do you have any comments on the proposed wording for the NPPF (Annex 4)?	We disagree with the Government's intention to set Benchmark Land values. This is a futile way forward as consideration needs to be given to facilitate the release of greenbelt land for development. For example a landowner can refuse to sell greenbelt land for development irrespective of financial settlement.
	Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32	The definition of 'grey belt' needs to be far clearer as it is currently too vague. Needs equal explanation as the green belt definition as per NPPF 2023 para 143. Prioritising grey belt over greenbelt is an appropriate way forward. However, control of the market will be more difficult.
	Question 46: Do you have any other suggestions relating to the proposals in this chapter?	See above answers regarding Greenbelt questions.
Chapter 6 – Delivering affordable, well-designed homes and places		
Para 64	Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require	Herefordshire Council already takes this approach with measures in place to deliver the required Social Rent as informed by our Housing Market Area Needs Assessment. We therefore support this change.

	Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?	
Para 66	Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?	No, removing the requirement to deliver 10% affordable home ownership would mean that people who cannot afford open market homes but do not meet the criteria for social rented housing would be excluded from being able to meet their housing needs. In short, affordable home ownership meets a particular need of a group of people and should therefore be retained.
First Homes	Question 49: Do you agree with removing the minimum 25% First Homes requirement?	Agree. We do not consider that First Homes are an effective means of delivering affordable homes as their provision can be a time consuming and bureaucratic process with valuations on these properties being inflated. The Council's preference is for discounted and restricted covenants as a model for low cost market homes.
	Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?	We would prefer discounted and restricted covenants as a model for low cost market homes and increasing the discount to over 30%.
Para 69	Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?	It is considered to be good planning practice and can be supported by evidence of need in local housing market assessments. However, it should be down to the Local Planning Authorities to draft such a policy to reflect local circumstances.
Para 64	Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?	High percentage social rent/affordable housing developments may be met with viability challenges unless they are externally funded / supported. We believe however that policies on housing mix should be needs-led and flexible reflecting the local needs such as those who cannot afford open market and do not qualify for social rented housing as referred to above.
	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?	We do not think that having development of entirely Social Rent/affordable housing developments helps to create mixed sustainable communities although recognise that this approach could help to meet affordable housing needs in terms of increasing supply. Herefordshire Council already require a mixed tenure which includes a proportion of affordable houses and social rents and would like to see the continuation of this approach. However if it is decided to set a maximum size for such developments, we consider it is difficult to identify what this would be as there may not be a one size fits all answer to this with local factors needing to be taken into account.

		Local Housing Needs Assessments are very important for understanding the unique make up of needs in areas, for example small bungalows accessible for life buildings.
	Question 54: What measures should we consider to better support and increase rural affordable housing?	<p>Paragraph 65 continues the policy requirement of only seeking affordable housing provision on major developments unless in a designated rural area. We would welcome consideration being given to lowering the threshold for this requirement in all areas, as a consequence of this policy is that many applications are received for 9 dwellings which means that affordable housing provision cannot be required by the local planning authority. For example, in 2021/2022 60% of all rural housing commitment sites were under 10 units and 76% of all rural housing completions were on sites of under 10 units. Although it is understood that applications for housing may seek to avoid any set threshold, potentially for reasons of viability, it is considered that the lowering of this threshold could nevertheless help to increase affordable housing provision which is a key issue for Herefordshire as well as many other local authority areas. It would also be helpful to have a policy framework which seeks to prevent larger development being parcelled into smaller sites which avoid the affordable housing threshold.</p> <p>It should be noted that in April 2023 Herefordshire Council applied to the then Secretary of State to designate 220 parishes under section 157 of the Housing Act 1985 as 'rural'. If successful this will enable the council to investigate lower affordable housing thresholds within our emerging planning policy. The Council is awaiting a formal response from MHCLG on this matter.</p>
Para 63	Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?	<ul style="list-style-type: none"> • The Council welcomes the reference to looked after children which recognises the need to provide specialist accommodation. • The Council notes that there are no amendments or considerations of in relation to Travellers apart from in relation to the Green Belt. Given the undersupply of traveller sites we suggest that the Planning Policy for Traveller Sites (PPTS) would benefit from either a review or incorporating into the NPPF, as it is a type of housing provision. Consideration needs to be given to identifying the most effective ways of ensuring that adequate sites for travellers and travelling show people are provided. A recent report by Simon Ruston outlines some of the issues faced by local planning authorities in this regard.
Community led housing	Question 56: Do you agree with these changes?	<p>The key to community led housing is the availability of sites that are unavailable to mainstream commercial house builders which in reality may be in short supply.</p> <p>The Council would seek clarification in relation to paragraph 73 (Whilst not subject of a current change) it would be helpful to understand and have clarity regarding the type of site that would "not otherwise be</p>

		suitable as rural exception sites” – i.e. what sets them apart given that they are required to be adjacent to existing settlements?
Affordable housing for rent glossary definition	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?	We do not believe that it should be amended because the whole point is that it is delivered by Registered Providers who are regulated and are expected to meet set standards. We have concerns as to how those that are not Registered Providers would be regulated if they are to provide affordable housing.
Para 71	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?	<p>In the Herefordshire Council administrative area, only strategic sites are allocated in the local plan with smaller sites being brought forward as either windfalls or through Neighbourhood Development Plans (NDPs). Herefordshire has a high take up of NDPS, many of which allocate small or medium sites for development and the importance of NDPS in this role should be recognised. Some NDPs rely on criterion based policies for new sites in their areas rather than allocating sites and this can be effective in bringing smaller sites forward. Further centralisation of this policy will only impact localism negatively.</p> <p>In relation to community led housing schemes, we know there is an appetite for such types of development in the county but the availability of suitable land at a cost which is not prohibitive to such groups is in short supply and impedes local planning authorities from being able to allocate land for such uses. It can also be challenging to develop some rural sites with the lack of nearby infrastructure which can impact on the viability of development.</p> <p>In relation to self build in Herefordshire the majority is delivered through individual self builds rather than small sites. This reflects the preferences of the majority of people on the Herefordshire Self build register. However some NDPS wish to allocate sites specifically for this purpose and a national policy framework for this would support that approach. The council is intending to introduce policies requiring a set proportion of larger sites to be allocated for self build to encourage more affordable self build homes and to help meet the long term demand on the register. A supportive reference to this approach in NPPF would be helpful.</p> <p>The council would welcome further clarification regarding the definition of self build and the application method for submission of a planning application.</p>
Para 138	Question 59: Do you agree with the proposals to retain references to well-designed	Yes. The amendments to paragraph 138 (existing) are acceptable.

	buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?	<p>In terms of the wording, it is agreed that 'beauty' can be subjective and that differing architectural styles and preferences may or may not fit into this category.</p> <p>Referring to a 'standard' would be a better way of portraying the need to ensure that style and longevity of design and buildings is more qualitative.</p>
Para 124e	Question 60: Do you agree with proposed changes to policy for upwards extensions?	The council has no strong view on this matter as it already referred to in the NPPF and there are very few properties that this would apply to in Herefordshire Council.
N/A	Question 61: Do you have any other suggestions relating to the proposals in this chapter? (Chapter 6 – Delivering affordable, well-designed homes and places)	<p>Summary of points on Chapter 6 – Delivering affordable, well-designed homes and places</p> <ul style="list-style-type: none"> • The Council already takes Social Rent requirements into consideration in its own Local Housing Needs and Market Area Assessment. • The requirement to deliver at least 10% of housing as affordable on major sites should be retained. • The 25% First Homes policy is not an effective way forward; it easier done via low cost market homes • The preference is for discounted and restricted covenants. The discount amount should be increased to 30% • a policy to promote developments that have a mix of tenures and types reflective of each areas need is good planning practise • Housing mix should be needs led and flexible reflecting the local needs whether it is open market, shard ownership or First Homes, Low Cost Market, Discounted Market, Rent to Buy or Social rented housing • Large Social Rent/affordable housing developments are not the optimal choice for sustainable mixed communities. A mix of tenures is best. Identifying a suitable size is difficult. • Local Housing Needs Assessments are very important for understanding the unique make up of needs in areas, for example small bungalows and accessible for life buildings. • The threshold for affordable housing of 10 units should be lowered. It of paramount importance in a rural county whereby such small sites continually come forward. Proportionate financial/commuted sum contribution should be made • The Designated Rural Area should be revised to be incorporated into Planning as it currently falls under Section 157 of the Housing Act 1985. • The addition of 'looked after children' is welcome to the supply of homes section • Planning guidance for Travellers & Travelling Show People needs to be updated in the NPPF and not just in relation to Greenbelt policy.

		<ul style="list-style-type: none"> • Community Led Housing - clarity is needed regarding the type of site that would “not otherwise be suitable as rural exception sites” – i.e. what sets them apart, given that they are required to be adjacent to existing settlements? • We do not believe that ‘affordable housing for rent’ in the Framework glossary should be amended because the whole point is that it is delivered by Registered Providers who are regulated and are expected to meet set standards. We have concerns as to how those that are not Registered Providers would be regulated if they are to provide affordable housing. • Small sites are an important part of Neighbourhood Development Plans and should be facilitated to come forward. Perhaps this should be the focus of the route • Agree with the removal of ‘beauty’ and ‘beautiful’ in the Design chapter. Replace with a standard • Agree with reference to the National Model Design Code being the primary basis for the preparation of design codes. • The council considers there to be adequate reference to upward extensions in the NPPF.
Chapter 7 – Building infrastructure to grow the economy		
Para 86b and 87	Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?	<p>Yes the changes are going some way to reflect the evolution in the economy but there are still sectors that have not been given enough consideration.</p> <p>The list of types of business and commercial development included in revised paragraph 86b is quite specific and not necessarily characteristic of the Herefordshire economic profile although it is of course recognised that this may change in the future. However, if employment types are going to be listed could these be expanded to include, for example, green energy technology, cyber security and defence industries as these too would fit in a modern economy.</p> <p>Agriculture and food production is one of Herefordshire’s key employers and there is seemingly no additional support to ensure that we can continue to deliver produce, especially now that we are no longer in the EU. There should be recognition of changes in agricultural processes including development of controlled growing environments e.g. polytunnels as a means of supporting quality and quantity of production as this will support rural economies.</p> <p>It should also be recognised that upgrading of the National Grid requires significant infrastructure to support these proposed industries in 84b.</p>
	Question 63: Are there other sectors you think need particular support via these	<p>Agriculture and food production.</p> <p>As referred to in response to Q62, Herefordshire is a rural county. The growth of the agricultural sector needs to be supported through policy levers that aids the operation and functional need of agricultural</p>

	<p>changes? What are they and why?</p>	<p>and food and drink production businesses. In order to boost economic growth in rural areas and especially in Herefordshire, it will be important that strategic sites come forward to enable food production and higher level policy support would help provide confidence for the industry.</p> <p>Tourism Herefordshire is a large rural county which has a strong and growing visitor economy. The majority of the income comes from staying visitors however due to limited accommodation options less than 20% of visitors actually stay overnight. Rural tourism is a particular area that requires an understanding of how such communities function and how they could develop. Generalised solutions to tourism are difficult because rural areas vary considerably to urban tourism. More accurately targeted support is a key element to enable tourism to contribute to sustainable economic development and help address challenges such as, how to use events and festivals as a means of extending the tourism season, and provide longer term jobs. Support for small scale tourism and tourism that supports rural foundational economy should be encouraged in the NPPF.</p> <p>Given the importance of tourism for Herefordshire's economy, it is essential that visitor facilities, particularly visitor accommodation, are provided, safeguarded and enhanced. Encouraging the local tourism industry to embrace sustainability practices can ensure there is a balance between the economic and social benefits of visitors to the county. This will also go some way to supporting local retail and service economy and particularly helping to sustain services within our market towns. Supporting sustainable tourism within the NPPF would help to maintain economic viability.</p> <p>There is currently a considerable shortage in overall serviced accommodation, (ie. Hotels and Guest Houses), both for tourism and business visitors to the county. Demand for such accommodation is likely to increase over the coming years, particularly as a result of Visit England, Local Visitor Economy Partnership and Tourism BID supported plans to increase visitors. There needs to be a recognition of the importance of non-traditional/ short-term accommodation provision, (e.g. Airbnb), which currently helps make up the deficit of more traditional holiday and business accommodation provision. In the medium to longer term, the planning process needs to support investment in new and improved serviced accommodation, both to meet growing visitor numbers and increasing visitor expectations, particularly within our city and market towns.</p>
	<p>Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial</p>	<p>No, need to retain local decision making to ensure these projects are appropriate and capable of being accommodated and suitably located within the wider county. The revised NPPF contains insufficient information regarding the scale of development to be considered as any of these proposals requires large scale infrastructure including National Grid capacity. Where these particular projects are likely to</p>

	development which could be capable (on request) of being directed into the NSIP consenting regime?	come forward in Herefordshire, the council would require funding and support to enable them to be developed.
	<p>Question 65</p> <p>If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?</p>	<p>We would seek to retain local decision making and every application should be considered on its merits and there should not be a rigid prescription in terms of scale. If these large scale developments were to come forward the infrastructure requirements would need to be supported by Government for instance upgrading of the National Grid, improved highways, rail and public transport etc.</p>
N/A	<p>Question 66: Do you have any other suggestions relating to the proposals in this chapter? (Chapter 7 – Building infrastructure to grow the economy)</p>	<p>Proposals need to also recognise the specific challenges and opportunities for rural areas, where economies are often still very reliant on agriculture and food production, as well as the foundational economy and service industries required to sustain the growing population.</p> <p>There needs to be a recognition that for many areas, the foundational economy, which employs 40% of the workforce and is both private and public, is the sector of the economy that provides goods and services taken for granted by all members of the population, is equally as important as high technology and growth sectors.</p> <p>In relation to agriculture and food production, there needs to be policy within the NPPF for the increasing need for controlled growing environments, (such as polytunnels and glasshouses) in order to support the UK's food security, in face of international competition. Herefordshire would be keen to have policy guidance for the development of a National Framework for Controlled Growing Environments and Agri industry (non soil farming) in suitable locations, in conjunction with a number of our national and international large-scale growers.</p> <p>Other factors to consider include:</p> <ul style="list-style-type: none"> • Greater support and encouragement for on-site renewable energy to help local businesses to operate more efficiently, particularly in relation to addressing current restrictions on grid capacity, which is significantly limiting the approval and connection of new renewable installations.

- Improved road and rail infrastructure to enable improved connectivity with national and international markets.
- Continuing investment in improved superfast broadband and mobile coverage.

In a rural county like Herefordshire, where local wages and GDP are some of the lowest in the country, there is a need to support existing SMEs to improve innovation, in order to increase mechanisation and productivity, and thus provide higher skilled and higher paid jobs, both for existing and new residents.

A key determinant is also provision of higher level education, skills and training to support the local economy and the growth of productivity and higher paid jobs. In Herefordshire this includes building on the early success of the New Model Institute for Technology and Engineering (NMITE), and supporting existing further education establishments to expand their higher and specialist education provision to meet local skills gaps and opportunities for growth.

Where **tourism** in rural counties is strong, there needs to be a recognition that within rural areas it has its own set of challenges. The draw to these rural locations is the natural beauty and access to the countryside. The challenge is to allow accessibility to continue without compromising the natural environment and the recreational pressures they are under. Clearer national policy to how rural locations should facilitate growth in this sector. A clearer definition on what sustainable tourism/sustainable rural tourism is, is required.

Key sectors in Herefordshire, which need further support and nurturing include:

- Agriculture and food production
- Cyber and technology, (building on locational factors and links the SAS and Signals Regiments)
- Tourism and creative industries
- Manufacturing and engineering
- Construction
- Healthcare
- Renewable energy - Retro fits/energy efficient

Chapter 8 – Delivering community needs

Para 100	Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?	Yes. This change is a vital step towards ensuring that new developments are accompanied by the necessary services to support them. Public services, including healthcare, education, and transportation, are already under significant strain in many areas. During our Draft Local Plan Regulation 18 consultation, the issue of strained public services was one of the most frequently raised concerns. As
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		communities grow, the demand on these services increases, often outpacing the ability of current infrastructure to cope. By giving greater weight to the expansion and upgrading of public service infrastructure, we can ensure that new developments are sustainable and that they contribute positively to the well-being of existing and future residents.
Para 99	Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?	The Council welcomes the incorporation of post-16 and early year places into the paragraph.
Para 114 and 115	Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?	The Council welcomes the proposed changes. Shifting from the traditional 'predict and provide' model to a 'vision-led' transport planning approach represents a significant and much-needed change in how we design our communities. By focusing on the outcomes we want, such as creating high-quality, sustainable, and well-connected places, we can ensure that transport infrastructure is not only justified but also aligned with the long-term needs and aspirations of residents.
Promoting healthy communities and tackling childhood obesity	Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?	<p>National planning policy would better support LPAs in addressing this by the following:</p> <ul style="list-style-type: none"> • Encourage the creation of walkable neighbourhoods with safe and accessible pedestrian and cycling routes. • Safe walking and cycling routes to schools should be a priority to encourage physical activity. • Support the development of local food environments that provide easy access to fresh, healthy foods. This could include incentives for local markets, community gardens, monitoring and restrictions on fast food outlets near schools and residential areas. • Require Health Impact Assessments (HIAs) as part of the planning process for new developments, ensuring that the potential impacts on the health and wellbeing of residents is considered from the outset. • Adopt the Healthy Homes Principles (TCPA) into national policy. • Integrate public health objectives into national planning policies and framework so that health considerations are a standard part of planning and decision making. • Encourage and support local health initiatives.
N/A	Question 71: Do you have any other suggestions relating to the proposals in this chapter? (Chapter 8 – Delivering community needs)	No

Chapter 9 – Supporting green energy and the environment

Onshore wind	Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?	<p>No, Large onshore wind project can have a wide array of impacts on local population and the local environment. There needs to be careful consideration to the planning balance, which is most effective at the LPA level.</p> <p>Large onshore wind projects are not always appropriate, whereas smaller site-level technology is often more suitable, particularly where schemes are community-led.</p> <p>The deletion of support for community-led renewable energy initiatives at revised para 161 is not considered to be appropriate. Communities should have policy incentives to drive forward local schemes.</p>
Para 163	Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?	<p>Greater support for clean energy initiatives will contribute to national and local carbon reduction targets. This is key for tackling climate change. The changes to the NPPF are important in enabling LPAs to create localised clean energy policies and proposals in their local plans.</p> <p>Promoting the identification of renewable and low carbon development sites through local plan allocations will assist in the timely delivery of appropriate schemes.</p>
8 Para 164	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?	<p>Yes, additional protections for such habitats should be put in place, but should also encompass habitats, and environments that provide additional benefits to tackling climate change and its impacts, such as habitats that can help provide nutrient neutrality in rivers (such as the River Wye).</p> <p>There are also opportunities to enhance wording to provide greater protection of habitats that benefit flora and fauna, and to detail why these sites might be considered unsuitable for renewable energy projects.</p> <p>A sequential test, for choosing sites would prove useful in site identification for renewable energy projects.</p> <p>Any existing established national Priority Habitat (which are many and diverse) is likely to be detrimentally impacted by solar farms, both in terms of significantly reducing potential carbon sequestration, but also their biodiversity potential due to habitat degradation, change in light levels on the ground, plus uncertain ability to maintain required best ecological management.</p> <p>Such designated habitats are generally already recorded in Natural England's Priority Habitat Inventory, but unrecorded areas and pockets do exist. So any solar development needs detailed, local consideration. It is almost impossible to recreate these habitats in alternative locations due to their age</p>

		<p>and long term specialist management needed to achieve the current high quality and standards of these habitats.</p> <p>The effects are not limited to the actual solar farm, but to the additional infrastructure associated with storing and connecting the energy to the national grid – e.g. overhead pylons and new battery storage buildings can have significant effects.</p>
NSIP regime	<p>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?</p>	<p>Yes, particularly as technologies are fast changing, with the result that schemes with fewer turbines may still have high levels of energy generation, either because of their efficiencies at lower wind speeds, or the size of the turbines.</p> <p>Local Authorities would benefit from further guidance on energy shortfalls, and where there are needs and gaps, so as to assist in understanding where there is demand for larger scale renewable energy generation.</p>
	<p>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?</p>	<p>Yes. Preference would be given to a threshold of 150MW.</p> <p>Local Authorities would benefit from further guidance on energy shortfalls, and where there are needs and gaps, so as to assist in understanding where there is demand for larger scale renewable energy generation.</p>
	<p>Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?</p>	<p>A higher threshold (of 150MW, with scope to increase this threshold should technological advances occur) would allow for Local Authorities to reduce the impact of these sites, applying the planning balance and local polices. There are opportunities to help local authorities' awareness of the extent of the need for renewable energy production.</p> <p>This is also in line with the widely accepted view that LAs should be empowered to make more strategic decisions in their areas, which will in turn give more power to forthcoming Local Area Energy Plans and Regional Energy Strategic Planners (LAEPs and RESPs).</p>
Tackling climate change	<p>Question 78: In what specific, deliverable ways could national planning policy do more to address climate</p>	<p>There is a need for further support for local plans to set standards for energy efficiency in new builds, on-site climate mitigation strategies, and support for increasing BNG above the standard 10%. There are opportunities to have cross-over between Local Plans and Building Regulations in order to support climate change adaption, such as the provision of renewable energy at a household level.</p>

	change mitigation and adaptation?	However, this must be locally-led, if the NPPF were to become overly specific this would be harmful to the viability of housing developments and would need to be applied through viability assessments as part of the Local Plan process.
	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?	<p>There is a need for new/extra tools to assist Local Authorities, one such example is carbon accounting for local plans. One major challenge is that consultants who undertake the work have different methods of assessing carbon, which leads to discrepancies and an inability for comparisons to be made between local plans across the country – as well as between local plans and local transport plans. A standard method for carbon accounting is needed, and would allow authorities to compare their levels as part of a nationwide strategic goal of reducing carbon.</p> <p>Any tool must be affordable and easy to use. But also must be licensable to consultants who undertake a wide range of work for authorities.</p> <p>More guidance on evidence base requirements for Local Plans is needed – in relation to carbon and climate change more generally.</p>
	Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?	<p>In addition to the policy, there are opportunities to support the creation of strategic flood management plans that would look to address flooding across an LPA and neighbouring authorities, and locations for mitigation opportunities to be identified and supported through s106 or CIL. There would need to be funding available to help LPAs produce such documents.</p> <p>Whilst the Flood Risk Assessment (FRA) normally considers the respective flood risks associated with the existing site, should it be extended to include the flood risks associated with a nearby developed site?</p> <p>For example: If a watercourse was culverted within a site then the FRA should consider whether a partial blockage of the culvert may lead to localised flooding; or If a pumping station was proposed on higher land, then the FRA should consider the exceedance route that water would take in the event that the pumps were to fail.</p> <p>There is a need to revisit the Land Drainage Act of 1961. Common law means there is a duty of care in instances of flooding but there is some conflict between both. Needs to be more references to drainage holding in the landscape. The policy and legislation needs strengthening as there is nothing in there about failing to do something to prevent a flood.</p>

	<p>Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?</p>	<p>Greater flexibility is needed for LPAs to set BNG targets relevant to their needs, above or below the national standard. This would allow LPAs to adequately meet their needs.</p> <p>The impacts of excess nutrients on our rivers, particularly those in the Special Areas of Conservation (River Wye and River Clun in Herefordshire) is harmful not only to the rivers, but to their overall resilience to climate change. There is a necessity to provide greater scrutiny of activities that can impact nutrient neutrality. For example, one key benefit is to support waste planning in the management of natural agricultural wastes, which causes the vast majority (around 70%) of nutrient pollution in the River Wye SAC.</p>
Footnote 62	<p>Question 82 Do you agree with removal of this text from the footnote? Footnote 63 (part)</p>	<p>No, as a rural county, Herefordshire's economy is supported by food production. The majority of development that occurs within the county, is on greenfield land, most of which is in agricultural use. It is extremely important to assess the availability of agricultural land, in order to support food production and supporting a strong rural economy.</p>
	<p>Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?</p>	<p>There are opportunities to support food production facilities, such as aquaponics in more urban areas. Further opportunities include:</p> <ul style="list-style-type: none"> • an update to the Agricultural Land Classification system, as the last update was over 5 years ago. Clear guidance in respect of this matter is required for instance - best most versatile land. • the encouragement of allotments on larger development sites, as this can provide small-scale food production and can help in the recycling of food waste; • consider the introduction of sequential tests for sites on Grade 1 agricultural land, where there would be a loss; • There is a focus on BNG, and there is the opportunity to do the same on improving agricultural land, without impacting nutrient neutrality. Land use may have limited scope for influence, but this should be considered. • Need for additional planning guidance on solar projects on agricultural land more appropriately suited for livestock (sheep), rather than crop production, so allow for compatibility of renewables and agriculture. • Education: NPPF policy to encourage the safeguarding of use of land by schools/colleges/universities in rural areas for increasing education on food production/climate change/habitat enhancement. • National policy on agricultural-scale greenhouses, polytunnels, hydroponics, intensive livestock units and other agri-industrial forms of development, to provide guidance for developers and LPAs.

Footnote 14 (Water resources 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?	<p>Broadly the principle of this would be welcomed. One of the biggest constraints to delivering growth sites in Herefordshire in recent years has been the availability of water supply and treatment capacity. The deliverability of some sites has faced delays, including some allocated in the adopted Local Plan, awaiting new or reinforced infrastructure to come forward through the water undertaker's capital investment programmes. One suspects that this could continue to be an issue even if this change would allow the undertaker to bypass local planning policies.</p> <p>What is also less clear is whether the scale of water infrastructure assets in an LPA area such as Herefordshire, that would not serve any settlements of the scale defined in Section 14(1) of the Planning Act, could fall under the definition of NSIP.</p> <p>English authorities bordering Wales rely on Welsh Water for water provision, therefore consideration needs to be given to cross border working and the provisions governing this.</p>
Water infrastructure	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?	<p>A frequently reported issue across rural communities in Herefordshire is, as well as water supply, the capacity of waste water treatment assets to be able to accommodate foul flows from any new development. A large number of the settlements are not connected to mains drainage.</p> <p>Those that are connected to "combined sewer" systems can find their infrastructure frequently overwhelmed in wet weather events, resulting in "fast flow" incidents whereby untreated foul flows can surface. Though such assets are relatively small in scale, the impacts of having insufficiently resilient waste water infrastructure in place has major effects on the lives of those living in these communities.</p> <p>Some provisions relating to upgrades to, or infrastructure that enables connections to waste water facilities could be a welcome addition.</p>
N/A	Question 86: Do you have any other suggestions relating to the proposals in this chapter? (Chapter 9 – Supporting green energy and the environment)	Prior Approval/ Class Q development allows for development in unsustainable locations therefore additional requirements for higher standards of energy efficiency should be mandated.
Chapter 10 – Changes to local plan intervention criteria		
2004 Act Intervention policy criteria	Question 87: Do you agree that we should replace the existing intervention policy	No, Local Planning Authorities should be the main authors of their Local Plans and the current arrangement does not need to be overhauled. This proposed intervention stems from the ambitious housing targets proposed by Government. Local Planning authorities will already be severely challenged in having to defend their areas on a 5 year housing land supply basis so it will be in their

	criteria with the revised criteria set out in this consultation?	interest to have a local plan in place. Therefore the impetus is already there to bring forth their Local Plans. The Council would not support further Secretary of State intervention in this process.
	Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?	No the Council would not support this as the criteria makes clear when SoS intervention would occur.
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to NSIPs		
Planning app fees (NSIP)	Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?	Yes, we do agree with this approach. A large percentage of our applications are householder applications
	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.	Non-applicable, we agree with a full cost recovery approach. Increasing the fee to £387 would not lead to full cost recovery due to the processing, press advertising, consultation, site visits and rural nature of the County with a high number of listed buildings. A full cost recovery approach would be supported. On average a householder application takes 10 hours to complete from registration to the issuing of a decision notice and an application fee increase to approx. £600 is more realistic to achieve cost recovery (this factors in travel to complete site visits, the cost of advertisement and time spent chasing and analysing consultation responses)
	Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder	On average a householder application takes 10 hours to complete from registration to the issuing of a decision notice and an application fee increase to approx. £600 is more realistic to achieve cost recovery (this factors in travel to complete site visits, the cost of advertisement and time spent chasing and analysing consultation responses). Rural counties with a high proportion of listed buildings have a

	<p>application fee should be increased to £528. Do you agree with this estimate?</p> <p>Yes No – it should be higher than £528 No – it should be lower than £528 No - there should be no fee increase Don't know</p> <p>If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.</p>	<p>disproportionately higher costs to determine applications, whilst £528 could cover this cost in urban LPAs, this would not be likely to cover the cost in Herefordshire.</p> <p>We therefore consider that the fee should be higher than £528</p>
	<p>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.</p>	<p>Prior approvals. As a rural LPA (with parts of the county lying within the National Landscape Designations of the Wye Valley and Malvern Hills) the PA's often require site visits / Site Notices and consultee involvement (and visits) rather than a desk based assessment. These particularly relate to applications for Prior Approval for Agricultural forestry development / change of Use (Class Q).</p> <p>Section 73 (Removal / Variation of Condition) These applications are becoming more frequent and are often used to revisit whole or part of an approved scheme. They often require 'full' re-consultation with all consultees, including site notices / press notices and visits. Again, the rural nature of the county adds to the burden in terms of cost.</p> <p>In terms of application review – the requirement of S73 to re impose / consider previously discharged conditions adds additional time and complexity. Can also lead to additional review of S106.</p> <p>S73 - cross referencing can take more time than a Full application</p> <p>Suggestions:</p> <ul style="list-style-type: none"> - Categorisation of fee (eg: minor / Major) - Limitation to amount of amendments that can be made without a full application (resubmission)

EXAMPLES:

Minor Dwelling scheme

181871 - Proposed demolition of existing dwelling, construction of 2 no. new dwellings and provision of footways.

S73's that followed:

- 190630 - Variation of a condition 2 ref 180871/F. (construction of 2 new dwellings.) Amended plans for plot 1
- 192589 Variation of Condition 2 Ref 180871/F (construction of 2 new dwellings 190630/F) Amended plans for plot 2
- 194051 - Variation of condition 8 of permission 190630/F (Construction of 2 dwellings) - Revised set of footway drawings

Major development (in AONB)

163707 - Proposed residential development of 10 open market family homes and 5 affordable homes

Subsequent applications:

210074 (S96a) Proposed non-material amendment to planning permission ref 163707 (Proposed residential development of 10 open market family homes and 5 affordable homes) - To amend the visibility of the access junction from the B4224 road into the site shown on the approved plans avoiding third party land

211522 (S73) Application for variation of condition 2 of planning permission 163707/F (Proposed residential development of 10 open market family homes and 5 affordable homes), to amend the drawings with regards layout and house types.

Includes 3 x rounds of amendments and consultation

222861 (S73) Application for variation of condition 1 of 211522 (Application for variation of a condition 2 of planning permission 163707 (Proposed residential development of 10 family homes and 5 affordable homes), to amend drawings with regards to layout and house types). To allow changes to the three bungalows at the northern end of the site (plots 4, 5 and 6) and minor changes to landscaping.

Includes 2 x rounds of amendments and consultation

231863 (S96a) Proposed non-material amendment to planning permission 222861 ((Application for variation of condition 1 of 211522 (Application for variation of a condition 2 of planning permission 163707 (Proposed residential development of 10 family homes and 5 affordable homes), to amend drawings with regards to layout and house types). To allow changes to the three bungalows at the northern end of the site (plots 4, 5 and 6) and minor changes to landscaping).) - To reduce the scale of plot 5.

Discharge of Conditions

These are often bundled for multiple Discharge of Conditions for one fee. These can require consultations with technical consultees (Highways / Drainage) or others that have to fully review the documents. Frequently not discharged on first submission. Can require further site visits by Planning Officers or technical consultees which adds additional cost due to rural nature of the County (journey times) .

LPA's are often under pressure by developer to defer technical or other matters to condition stage as a way in which to progress a decision.

We would seek full cost recovery.

Believe that this needs to be categorised as per application cost / type.

- Householder
- Minor
- Major

Monitoring conditions

Some conditions are onerous on the LPA to monitor but there needs to be a mechanism by which the costs incurred in undertaking such monitoring can be recovered.

Retrospective Applications

Cover cost of investigation / further administration and should therefore attract premium

	<p>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.</p>	<p>Herefordshire has a significant amount of Listed Buildings (total - 6233) across a wide geographical area. A significant proportion of all Herefordshire Council applications are non-fee generating (typically 25%).</p> <p>Listed Building Consents</p> <p>Whilst appreciating the reason for the lack of fee, there is a significant burden on the Council to fund all the parts of the process and employee specialist officers.</p> <p>All applications have to be publicised in the press and have a site notice display. Herefordshire only has one newspaper and have no choice but to pay their fees (around £45.000 per annum) E.g: Number of LBC's received</p> <ul style="list-style-type: none"> - 2020 – 235 - 2021 – 274 - 2022 – 301 - 2023 - 298 <p>Herefordshire Council would request that the cost to the applicant should, at least, cover the administration and advertisement (publicity) All LBC applications have to be publicised.</p> <p>Tree Works (Tree Preservation Orders) and Works to Trees in Conservation Area</p> <p>Whilst appreciating the reason for the lack of fee, there is a significant burden on the Council to fund all the parts of the process and employee specialist officers.</p> <p>Eg Tree Applications received by year</p> <ul style="list-style-type: none"> - 2020 – 470 - 2021 – 436 - 2022 - 405 - 2023 – 386 <p>These require consultation with Parish Councils / Site visits and specialist officer time (Reporting)</p>
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		<p>Hedgerow Regulations Applications</p> <p>EIA Screening and Scoping</p> <p>EIA screening and scoping applications have a very short timescale (21 days) and publication to the require consultation and processing.</p> <p>Often very large projects that have a significant project cost. Herefordshire Council would request that the cost of processing (administrative and officer time) should be covered by the applicant.</p>
	<p>Question 94 Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?</p> <p>Please give your reasons in the text box below.</p>	<p>Yes, the costs for determining an application should reflect the challenges faced in a rural LPA.</p> <p>A large proportion of applications are householder applications and Section 73 whereby the current cost to determine these far exceeds the fee collected</p>
	<p>Question 95 What would be your preferred model for localisation of planning fees?</p> <p>Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.</p> <p>Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.</p> <p>Neither</p> <p>Don't Know</p>	<p>Full cost recovery is ultimately the position that the Council would wish to achieve. If this could be achieved via local variation then we would be supportive of this. However if there is significant variation in costs between urban and rural LPAs it could be possible that full localisation could be the solution.</p>

	Please give your reasons in the text box below.	
	<p>Question 96 Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?</p> <p>If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?</p>	<p>It is important to remain mindful that we are providing a public service and full cost recovery would enable the planning service to become almost cost neutral to the council without providing an additional burden to tax payers. However if it is the government's intention to invest in planning and to accelerate decision making then it would be advisable to increase fees to enable Council's to provide more staff to support and enhance this service. If the government was mindful to do this then the additional fees should be applied to all applications irrespective of scale.</p>
	<p>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?</p>	<p>Herefordshire Council has been working on services that have been identified as non fee generating that are essential to the public and are frequently asked / required.</p> <p>These are identified as:</p> <ul style="list-style-type: none"> - Do I need Planning Permission? - Information confirmation of Permitted use class - Confirmation that PD rights have not been removed - Confirmation of Planning restriction - Confirmation of Designated Areas - Planning Conditions – confirmation of discharge - S106 queries (copies / compliance / discharge) - Vary / Modify / discharge a planning obligation <p>The Council is looking to charge to assist with cost recovery.</p>
Cost recovery (NSIP)	<p>Question 98 Do you consider that cost recovery for relevant services provided by local authorities in</p>	<p>Herefordshire Council has not had involvement (directly) with DCO applications other than a consultee.</p>

	<p>relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?</p>	<p>However, Herefordshire Council has been approached on a number of DCO pre-applications in Wales and England works either for works that might involve small works in Herefordshire or the need to travel through the county to enable construction.</p> <p>We have no mechanism to engage and charge for the considerable time that is required to review documents / engage locally / respond to consultations (and pre-application consultations where they are looking at 'alternatives' as part of the ES.</p> <p>Herefordshire Council considers that there should be a mechanism to for the LPA to be able to recover cost on a cost recovery basis to be able to prepare and properly resource to provide a timely response. This would include engagement with the key consultees and local resident / Parish councils if required.</p>
	<p>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.</p>	<p>Recent Examples:</p> <p>Approach from Developer about a fish pass in a small Herefordshire River in connection with Mitigation for Hinckley Point C. Need officer time to review all docs and specialist Ecological Advice but quite a speculative approach as part of exploring alternatives.</p> <p>Approach about the need for a delivery route for wind turbines through rural Herefordshire for a significant wind farm in Wales. Consultation with planning and highways colleagues and will require the LPA to lead on / take cost of liaison with Local Parishes etc.</p> <p>There should be a mechanism for the LPA to be able to recoup cost on a cost recovery basis to be able to prepare and properly resource to provide a timely response. This should include at pre-application stages.</p>
	<p>Question 100 What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?</p>	<p>Any guidance should allow for fees to be Index linked and should ensure that fees are reasonable and proportionate, transparent and do not allow for super profit. Councils should be able to recover costs where additional expertise needs to be procured to facilitate the determination of applications (for example specialist ecology / traffic impact assessments / retail impact assessments etc)</p>
	<p>Question 101 Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning</p>	<p>For applications where we would be a consultee we would need to provide a response; for example the wind turbine proposal as above.</p>

	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.	<p>In this instance, to date over 40 hours has been spent by Council officers (x5) in Planning and Highways teams to meet, visit sites, respond to queries, engage with developer so far. This is early in the process and it is expected that significant additional work will be required</p> <p>Time scale for DCO applications are tight and as such would need to be given some priority.</p>
	<p>Question 102 Do you have any other suggestions relating to the proposals in this chapter? (Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects)</p>	No.
Chapter 12 – The future of planning policy and plan making		
42 Annex 1 – revised framework	<p>Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?</p>	<p>In part but more consideration of the implications for authorities with significantly increased targets as this is a completely new scenario whereby significant uplifts have been applied to many rural counties like Herefordshire.</p> <p>Extended time should be given to authorities with significantly increased targets such as Herefordshire. The increased difference between the new and old target is approximately <i>600 additional dwellings per annum</i>. Redoing the spatial strategy and restarting new evidence is necessary to address this. This is a considerable piece of work and the time span to get to Regulation 19 submission is not enough. During this NPPF consultation, the Planning Inspectorate have stipulated that Local Plans must not be going to examination with Local Plans that have outstanding issues to be addressed. Granting additional time to LPAs that wish to go under the old system should be an option. Two years is not enough to get to a sound Local Plan to submission by December 2026. Therefore we are seeking an extension of this time. Waiting to go under the new system will result in the plan making process taking longer again.</p> <p>This will only work if the 5 Year Housing Land Supply is removed as it will allow councils to plan strategically for their needs. It will be perilous to be in a situation where appeal sites come forward jeopardising the longer term strategy for areas where growth is focused in emerging plans. Recognition of this aspect must be taken into account.</p>

		<p>The production of National Development Management policies need to come forward to allow councils to have clarity for future plan making. Currently there is no indication of what they will or will not cover in terms of themes and topics. This is not a secure position to be in for Local Plans going under the old system. The tendency will be for a 'belt and braces' approach to avoid pit falls and gaps for policy making.</p> <p>The intentions of the Planning and Infrastructure Bill are unclear and adds further uncertainty for Plan making in the immediate future for those wishing to make good progress under the old system. Whilst there is a proposal to assist authorities with funding (para 6.) it is unclear what form this will take.</p> <p>The council requires further clarity regarding the type of support needed to expedite Local Plans. A period of stability with national guidance is required for plan making. Financial support would be necessary to procure additional evidence and progress the Local Plan to Examination.</p>
<p>Annex 1 – new plan making system</p>	<p>Question 104: Do you agree with the proposed transitional arrangements? (December 2026)</p>	<p>Whilst the date for plan submission has been extended to December 2026 for LPAs wishing to go under the old system, it's not long enough time. A longer transition period is required. This is especially the case where targets have significantly increased. The following is a list of considerations in taking a local plan through the system with the current proposed mandatory housing targets.</p> <ul style="list-style-type: none"> • the whole local plan spatial strategy needs revising which means going back to the start with another Regulation 18 consultation, • The identification of sites to support the level of growth proposed will require a significant amount of work with service area assessments to determine suitability and deliverability • redoing stage 1 evidence which currently address a lower housing target • preparing council governance for plans to be approved, lead in times can take up to three months • Preparation for Regulation 18 & 19 consultations (6-8 weeks for each) • consultation timeframes of Regulation 18 & 19 consultations (6-8 weeks for each) • consultation analysis (3-4 months) (6-8 weeks for each) • There is a lack of headroom here if issues do arise. A major part of the Plan making process is for site allocations and their identification requires the land to have suitability, availability and achievability in terms of delivery. Synchronising this to have a plan addressing all issues including addressing the severe lack of Traveller sites could hold up the Plan. • The cross over between studies being developed at a pace and synchronising has to be orchestrated in a timely manner. • This process brings in a wide range of stakeholders which at any time may not be in agreement.

		<ul style="list-style-type: none"> • Obligations with Duty to Cooperate. • The Planning Inspectorate have stipulated a need to avoid submission of deficient plans, therefore plans must be ready to be found sound with limited additional work. • The National Development Management Policies content are unknown. • The Planning and Infrastructure Bill content is unknown. Planning for housing and planning for infrastructure go hand in hand and must be carried out jointly. More attention as to how this is to be incorporated into transitional arrangements is needed. • Staff recruitment has proved to be difficult despite going out numerous times for the same job.
N/A	Question 105: Do you have any other suggestions relating to the proposals in this chapter? (Chapter 12 – The future of planning policy and plan making)	Extend the time for Plan submission for those LPAs going under the old system. This will assist authorities greatly in having the time needed to draft good plans and assist with plan coverage. Waiting to begin the new system will only delay things for LPAs who want to continue progressing with a Local Plan adoption.
Chapter 13 – Public Sector Equality Duty		
44 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?	<p>The NPPF covers a wide range of issues and is therefore likely to impact on equality issues. In the absence of an accompanying equality impact assessment is difficult to identify what all of these may be.</p> <p>A review of PPTS is required to ensure the accommodation needs of Gypsies and Travellers are met as many local planning authorities face challenges in identifying pitches and plots to meet their identified requirements. Given the undersupply of traveller sites we suggest that the Planning Policy for Traveller Sites (PPTS) would benefit from either a review or incorporating into the NPPF, as it is a type of housing provision.</p> <p>Any plan would need to consider an Equality Impact Assessment under its statutory duties.</p> <p>Whilst we notice that this consultation appears to focus on public sector equality duty, there is limited reference to environmental impact including climate change and ecology.</p>