

MAC MIC GROUP

Planning Policy Consultation Team
Planning Directorate – Planning Policy Division
Ministry of Housing, Communities and Local Government
Floor 3, Fry Building
2 Marsham Street
SW1P 4DF
London

PlanningPolicyConsultation@communities.gov.uk

24th September 2024

Our Ref: 2024/7752

Dear Sir/Madam,

**Proposed reforms to the National Planning Policy Framework and other changes to the planning system
Representations on behalf of Mactaggart & Mickel**

Introduction

On behalf of Mactaggart & Mickel (The Mac Mic Group), we are pleased to provide representations in response to the proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system, which closes on 24th September 2024.

Having reviewed the NPPF consultation document and supporting text, we set out below our formal response to the questions posed by the consultation. Please note that we have also responded online via Citizen Space, the department's online consultation portal and preferred route for receiving consultation responses.

Prior to responding to the questions posed, we wish to set out our overarching support for the document, its ambitions and the intention to provide greater clarity and certainty in the planning sphere. We further emphasise that the time for Government and the industry to act, is now, to see the tangible changes and results with regards to housing delivery, and to achieve the target of 1.5 million additional homes over the next five years.

Consultation Response

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

Yes. The reversal of the 2023 changes referring to the standard method being an 'advisory starting point' is very much welcomed. Its inclusion has created ambiguity as to how Local Planning Authorities (LPA) should consider the results of the standard method and circumstances under which it can be deviated from. Its removal will clarify the principal importance of

planning to meet full housing need, and eliminates a means by which qualitative arguments could be presented to deliver housing below an identified need.

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?

Yes. The removal makes it explicitly clear that the standard method is the clear expectation of LPAs in setting a clear and definitive assessment of housing need. We consider that it should be made clear that this is a minimum target to plan for. It is understood that updates to Planning Practice Guidance will set out the specific circumstances where an alternative approach may be permissible. The present NPPF drafting does not make this clear, and the PPG should therefore be updated in parallel with the NPPF.

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

Yes. Deleting para 62 is welcomed to avoid duplication with the overarching principles of the NPPF, which already directs development to the most suitable locations. The 35% urban uplift is an arbitrary figure which fails to recognise deliverability in each location and the development potential of other highly sustainable locations. Other proposed amendments such as the imposition of the standard method and regional planning will further ensure that development opportunities in our largest cities and urban centres will be maximised without a specific urban uplift policy.

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

Yes. Deleting para 130 is beneficial as its current drafting poses a risk of stifling development through a generalised qualitative assessment. Urban areas need to respond and evolve to developmental demands and settlement character will inevitably change. However, there are sufficient controls elsewhere within the NPPF to ensure that the optimisation of development potential does not create inappropriate development.

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

Yes. Design codes are well suited to enabling “joined-up”, collaborative development planning and could form a cornerstone of strategic planning frameworks across Local Planning Authority boundaries when Government provides further clarity on the direction on the regional planning tier. They will also increase the efficiency of planning resource allocation by stream-lining and front-loading masterplan strategies.

Design Codes should provide a framework for development and establish guiding principles but should not be overly prescriptive and should not stifle architectural innovation. Supporting text of this nature would be a useful addition to the consultation draft document.

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

Yes. The clarity added at paragraph 11 (d) regarding the ‘supply of land’ is welcomed, with footnote 8 providing important clarification on relevant policies. The amendments place greater emphasis on Local Planning Authorities having up-to-date plans. It is hoped that the amendment reduces the subjectivity as to which policies are considered ‘out-of-date’.

Whilst we strongly support the requirement for the 'presumption' to maintain high design standards and continue to deliver against other policies in the Local Plan such as affordable housing requirements, we are concerned that the proposed reference to design and location specifically might offer a subjective route to resist development and adds a qualitative test, where the wider intention is to provide greater clarity to the 'presumption'. We consider the following text an unnecessary addition, which duplicates existing policies and should be removed:

"in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes."

There is currently no detail as to the weight to be afforded to these considerations, allowing inconsistency in decision making. We would therefore advocate reversion back to the previous iteration of paragraph 11 (d) ii.

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?

Yes. LPAs should, on an annual basis, be able to demonstrate five years supply, and maintain annual monitoring. The reversal will ensure consistency and keep LPAs accountable to their delivery targets. The amended NPPF should require publication within six months of the end of any monitoring period; with the consequence of a failure to do so being the engagement of the presumption in favour of sustainable development until the LPA can demonstrate a five-year housing land supply (i.e. when their monitoring report is published).

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

Yes. The requirements for LPAs to demonstrate a five-year housing land supply, including a buffer, are simplified and incentivise LPAs to plan accordingly.

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?

Yes. It is a reasonable and proactive requirement to assist with ensuring deliverability of the homes needed, which is designed to ensure choice and competition, and greater supply resilience.

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

Yes. A greater figure is likely to place an added and excessive burden on LPAs. A 5% buffer is proportionate.

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

Yes. There has been limited use of APSs since their inception and their removal will streamline the system. APSs have the potential to decelerate housing delivery in LPAs where they have been used. As set out in our response to question 7 above, Authority Monitoring Reports (AMRs) should be holistically used to demonstrate housing land supply, and to eliminate ambiguity of what an LPAs established housing land supply position is.

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

Yes. Strategic, cross boundary planning is a vital step in ensuring better, more sustainable development that is planned regionally rather than being defined by arbitrary local authority boundaries. We welcome the re-emphasis on the value of strategic planning in national policy and look forward to further detail being published at the earliest opportunity.

There is currently no overarching detail for how strategic planning will be implemented. Regional plans can holistically coordinate matters such as housing targets and critical infrastructure delivery in a more strategic manner and therefore can create greater regional alignment. This can, in turn, enable local plans to become area specific documents that are much lighter, quicker to produce, and ultimately easier to keep up-to-date. Regional plans should focus on streamlining policy, rather than creating a duplicate of information that sits within Local Plans and / or the NPPF.

Regional plans could cover longer plan periods, with local plans shorter, allowing for more efficient review and calibration to changing local development needs. A critical first step is establishing a functional geographic framework that can be rolled out nationwide; and guidance on how LPAs are duty-bound to work together to create and implement effective regional plans through a revised Duty to Cooperate system.

A tangible link between the NPPF and Regional Plans should be created, so it is explicitly clear how the respective documents relate to each other.

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

Yes, when the scope of strategic scale plans is clarified by Government, the soundness test should be revisited to ensure both plans and proposals are assessed with appropriate rigour.

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

The re-direction of the Duty to Cooperate through a strengthening of the "maintaining effective co-operation" section is a critical component on proposed reforms. In constrained regions such as Surrey where housing delivery has historically been challenging, and where LPAs are now subject of significant increases in respective housing target using the standard method, effective cross-boundary working would be crucial to improving deliverability.

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?

Further to our response to question 2, while the PPG should advocate that housing stock is the appropriate baseline for the standard method, the PPG could exceptionally allow LPAs to use the latest household projections if it would allow them to justify higher local housing targets than would be achieved by using housing stock as the baseline, in the interests of maximising housing delivery.

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

No. We consider a wider period should be used to calculate the average ratio (perhaps 5-10 years) as it is unlikely that affordability will have materially changed over a wider time-frame, which will ensure that housing is directed to the locations where affordability issues are most embedded.

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

Yes. The appropriateness of weighting is signified by the standard method giving rise to an overall requirement of 370,000 dwellings per annum, which includes a 700,000-dwelling buffer beyond the 300,000 annual target required to deliver 1.5 million homes over the five year term of office.

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

Yes. Evidence of rental unaffordability is a material consideration in terms of establishing housing need and should be considered accordingly.

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

As set out at Question 2, it is understood that the PPG will make clear the exceptional circumstances through which LPAs will be able to avoid meeting their full housing target calculated through the standard method. This is a critical detail to clarify immediately, with cross-reference to the PPG in the NPPF. We would advise that this should be updated and published at the same time as the NPPF. Clarification might also address anomalous results within the standard method figures – for example in Kensington and Chelsea which has seen its housing need increase by over 300% despite a scarcity of land. The proposed strengthening of “maintaining effective co-operation” between LPAs has the potential to address such matters at a regional level, through a more prescriptive regional strategic planning framework.

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

Yes. A “brownfield first” policy has long been advocated in planning policy and it is essentially that this principle is as unambiguous as possible.

The use of Brownfield Registers should be widely promoted as a means to crystallise the “brownfield first” principle, and could denote site-specific considerations (e.g. contamination, flood risk) that must be addressed within a planning application to avoid the unintended consequence of enabling development without a “plan-led approach”. This approach would be consistent with the Prior Approval route currently required for some Permitted Development.

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

No. The change to current paragraph 154(g) is in accordance with the wider emphasis placed on a brownfield first approach, and encouraging the re-use of PDL. However, it is important that the existing condition of the site is used as the baseline for assessing the significance of harm, and therefore we would advocate inclusion of the words “compared to the existing development”.

The intention of the current paragraph 154(g) is to enable the re-use of land and/or buildings in the Green Belt that are otherwise being underutilised (or not utilised at all). The existing requirement to not have a greater impact on the openness of the Green Belt than the existing development is restrictive and significantly limits the scope of what can be achieved through reuse of PDL.

It is unclear how the proposed “golden rules” of Green Belt release set out at proposed paragraph 155 apply to the current “not inappropriate” development listed at current paragraph 154. Clarification is vital in this regard. We consider that development that is already by definition “appropriate” under current paragraph 154 should not be subject of additional requirements.

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?

We agree that the definition of PDL should be expanded to include glasshouses – and hardstanding - and offers great potential to boost housing delivery on under-utilised sites.

Maintaining sufficient sites for horticultural production raises similar issues to certain forms of Permitted Development whereby market-led dynamics dictate the availability of land for certain uses. In a similar way to how Article 4 Directions restrict the loss of certain land uses through Permitted Development, LPAs under a particular pressure to prioritise horticulture could introduce LPA specific policies to protect them.

On sites forming part of wider agricultural land, allowing PDL to be repurposed may allow a proportion of the income generated through re-development proposals to be reinvested back into agriculture. This aligns with paragraph 88b which encourages the development and diversification of agricultural and other land-based rural businesses.

We support the definition set out in Annex 2: Glossary of the NPPF being amended accordingly to include hardstanding and glasshouses.

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

Yes, in general; though we seek clarity on the specific wording, “other parcels and/or areas of Green Belt land” – in respect of how “parcel” and “area” are individually defined. Without definition, the wording appears duplicitous.

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?

Yes. Additional guidance would be best placed within the NPPF either as a footnote or an annex in order that it can be attributed greater planning weight. The apportionment of planning weight is critical given the centrality of proposed Green Belt reform to boosting housing delivery.

We strongly advocate a standardised approach for terms used in Green Belt assessments, and consistency of methodology, so assessments can be compared on a like-for-like basis across LPA boundaries. The PPG can set out appropriate definitions and methodologies. Guidance should also establish whether the test is to be applied to the five purposes of the Green Belt individually, or whether a collective assessment is appropriate.

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?

Yes. As above, clarity would be welcomed to ensure a consistent approach across all LPAs with regards to reviewing whether land makes a limited contribution to the five purposes of the Green Belt. Specific instruction guidance on terminology and definitions would be welcomed, specifically in relation to “fundamental”, “strongly performing” and “limited contribution”.

Green Belt assessments should be required to consider the performance of land parcels in respect of Green Belt purposes at a granular scale that is consistent across authorities. Many Green Belt assessments will draw conclusions from a macro level assessment which is often too generalised and results in developable land being discounted from development.

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?

Yes, we agree with the proposed sequential approach with PDL and Grey Belt land to be prioritised ahead of other Green Belt land.

The NPPF must clarify whether appropriate Green Belt development (set out at proposed paragraph 151) is subject to the “golden rules” at proposed paragraph 155. As noted above, we do not consider that forms of development that are, by definition, “appropriate” under the current NPPF should be subject of additional policy requirements, when the wider objective

is to relax control on Green Belt development. Accordingly, we suggest that paragraph 155 should start with the wording, “except for the developments listed at paragraphs 151”.

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

Yes, we support the change in emphasis that the function of the Green Belt should be considered across the whole area covered by the plan, rather than component areas.

This will require a consistent approach through a standardised approach to Green Belt reviews. However, there are frequent inconsistencies in Green Belt reviews, including the sizing of parcels for assessment, the granularity of appraisal, and how the five Green Belt purposes are interpreted locally.

For this reason, we consider Green Belt reviews should be undertaken at a regional level. Green Belt land can rarely be considered in isolation of a single local authority plan area and requires a wider perspective, through cross-boundary strategic co-operation to identify the most appropriate areas for development.

In conjunction with our response to paragraph 25, the meaning of “fundamentally undermining the function of the Green Belt as a whole” is open to interpretation and could inhibit the delivery of much-needed development. It is for the PPG to clarify this matter.

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?

Yes. The proposed revisions set out a clear direction to ensuring development is supported in principle in specific, defined circumstances on Green Belt land. Given that it will inevitably take time for plan-making to comprehensively address Green Belt release for development, it is vital that decision-making is proactive, especially in the early years of the Government’s term, if the target of delivering 1.5 million homes is to be achieved.

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?

We strongly support the proposal, which will allow under-performing Green Belt to be used to deliver our development needs. The matter of Green Belt reform has been posed for many years and we commend the Government for addressing it so early in its term.

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

Yes. We do not consider an affordable housing tenure mix can be stipulated at a national level and must consider the specific local housing needs and circumstances of the relevant local authority plan area. LPAs should keep their requirements up-to-date through local plan reviews and annual monitoring reports.

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?

No. We strongly consider there should be flexibility to account for local and/or site-specific circumstances to make development viable and to stimulate market attractiveness where housing delivery is falling short against the housing requirement. For example, an LPA with an increased housing target and lower land values might preferentially look towards Green Belt release to boost housing delivery, and a mandatory imposition of a 50% affordable housing target could disincentivise developers, thereby threatening the achievability of the plan’s housing target. Only a viability led approach can

account for huge discrepancy in land values nationwide, and it should be for LPAs to set out, with justification, a local target that reflects their individual housing market dynamics and land values.

As stated at our response to question 28, the 50% target should not apply to appropriate development under proposed paragraph 151. Where development of PDL does not qualify under paragraph 151(g) (by virtue of openness impacts) it would have to follow new paragraph 152, and thus the 50% golden rule would then be applied.

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?

Yes, we agree with the proposed approach. We advocate a granular approach to Green Belt assessment which then follows through to development being designed around site specific opportunities and constraints to secure nature and public access benefits. However, it may be impractical for operational reasons for commercial development to provide publicly accessible green spaces. The addition of “where appropriate” to proposed paragraph 155(c) would ensure the necessary flexibility.

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?

No, we do not consider setting indicative benchmark land values for Green Belt land at a national level is practical due to the significant range of commercial variables between different local authority areas.

There are concerns that such a generalised approach will result in disruption to bringing forward Green Belt and grey belt sites, producing a disrupted a two-tier market, which risks undermining the wider approach pursued by the proposed amendments as a whole.

Therefore, we advise that the current approach to BLV and viability, that is currently operational and understood, is retained. Any further consideration around how BLV is calculated should be subject of a separate consultation outside of the current NPPF reform and Annex 4 should be deleted in its entirety.

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

There are concerns that limiting the scope of viability negotiation would subsequently limit the scope for viable development or redevelopment of that land. The proposals would, by default, assume that any transaction above the benchmark land value should make a development viable. However, ultimately this may not be the reality on the ground.

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?

Yes, developments that come forward in accordance with planning policy should not be subject to additional affordable housing requirements.

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?

No. Late-stage review mechanisms have the potential to hinder housing delivery because they add financial uncertainty to investors in terms of unknown financial variables at the back end of schemes. They are a particular commercial disincentive

for SME developers, who need to plan with greater certainty from the outset of projects, as they often operate on lower profit margins than larger competitors.

Late-stage review mechanisms should only be imposed on developments that have not been completed within a defined period, commensurate with the size of the scheme (or phase).

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

The inclusion of additional wording "where appropriate" at proposed paragraph 152(c) in recognition that not all of the "golden rules" would be applicable for all forms of development. For example, it may be impractical for operational reasons for commercial development to provide publicly accessible green spaces. The additional wording would ensure the necessary flexibility.

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?

Yes. It would be unreasonable to retrospectively apply golden rules as part of transitional arrangements where sites have already progressed some way through the planning system. This would have a direct effect on commercial viability and could therefore disrupt sites proposed for allocation then being brought forward for development. Practically, developers and promoters might have to renegotiate terms of purchase. The "golden rules" should only be applied to 'new' local plan Green Belt release sites, and not those in emerging plans subject of transitional arrangements.

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

As per our response to question 41, Annex 4 should be removed in its entirety.

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

Yes. This would be the cornerstone of needs assessments.

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

Policy should avoid being prescriptive in terms of preferred development composition, as it is for site specific circumstances to guide the most appropriate approach. It is often unviable for developments to provide the mix of tenures and types preferred by policy and the risk of promoting mixed tenure development is creating an additional hurdle for developers to address.

Therefore, while we agree that mixed tenure is a positive planning principle and can contribute to faster market absorption with greater variety of products, it should be positioned alongside other principles of sustainable development, rather than elevating its importance within a separate dedicated paragraph. The principle might be re-housed within the NPPF alongside other principles of sustainable design.

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

Publicly-owned land should be optimised for affordable housing delivery by discounting land values to below market rates. Local Authorities can drive greater returns for Social Rent / affordable housing by effectively discounting land, with the granting of planning permission dependent on delivering the expected higher levels of affordable housing, in return for acquiring the land for significantly less, or perhaps £0 in particular instances. LPAs should set policies for affordable housing that are

calibrated to the availability of public land, and their own affordable housing objectives. This would help to offset the endemic pressures on the private sector to drive affordable housing delivery.

Further, Government must urgently address the commercial disincentive of delivering Section 106 affordable housing in current market conditions, which threatens to undermine its headline housing targets. Review of access to grant funding on Section 106 housing offers a potential short-term route to stimulating delivery where there are viability challenges.

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?

We strongly agree with the principle of enabling more small sites to come forward and to support SMEs. The policy is positively worded but the replacement of “should” with “must” would make it an explicit requirement – unless strong reasons exist why it can’t be achieved.

In urban areas, many LPAs have successfully employed small sites SPDs to provide greater emphasis and focus to small site delivery. We would advocate explicit reference to small site design codes in more urbanised LPAs where small sites have the greatest potential to boost housing delivery.

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

Yes. These references are subjective and vague and subject of widespread criticism. Planning policy should avoid ambiguity.

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

Yes. Vision led transport planning might best be approached through regional spatial planning strategies. Further disclosure of Government’s ambitions for regional strategic planning should explicitly support vision led transport planning.

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

Yes. Proposals that contribute holistically to renewable and low carbon energy should be considered with greater flexibility within the decision-making process. Clarity on the apportionment of weight is a means to achieve this.

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

Yes. At present, the sequential test creates a significant barrier to development, insofar as it requires a sequential test to be undertaken in all instances where the development site includes Flood Zone 2 or 3 land. A sequential test should only be required where physical development is proposed within Flood Zones 2 and 3, rather than the affected land being within the red line boundary. Such an approach would not create any residual flood risk and would address an unnecessary obstacle to development.

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

Yes, providing the increased fee income is ring-fenced to be reallocated into LPA resourcing and cannot be used to support other non-planning LA functions.

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

Yes, providing the increased fee income is ring-fenced to be reallocated into LPA resourcing and cannot be used to support other non-planning LA functions.

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

Only Model 2 – Local Variation where local circumstances are justified and where the increased fee income is ringfenced for reinvestment back into the LA's planning function.

If LPAs are given Full Localisation powers, then there is a danger that LPAs for affluent areas set disproportionately higher fees, because affordability is less of a concern than elsewhere. An unintended consequence in LPAs setting higher fees might also disincentivise the submission of planning applications. This might be a practical consequence for SME developers, where fee increases could have a proportionately greater impact on project viability.

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

The allocation of time from statutory consultees to consider planning applications, which could be consolidated as part of Planning Performance Agreements, to aid response times which are frequently a cause of delays to planning decisions.

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

No. Proposed paragraph 227 is too ambiguous and should set a definitive timeframe for when LPAs benefiting from the transitional arrangements to commence plan-making to address the shortfall. "The earliest opportunity" terminology is not prescriptive.

In respect of plan making, we consider that the wording should reference commencement within three months from the date of NPPF adoption, with defined and deliverable targets for an updated plan (which meets its full housing need) to be submitted for examination thereafter. This should be agreed with the respective Inspector prior to an emerging Local Plan proceeding to adoption but should be within a maximum 18-month timeframe following publication of the new NPPF.

The presumption in favour of sustainable development should apply where LPAs that benefit from transitional arrangements fail to then update their local plans within the prescribed timeframes.

We would further highlight that while a 200-dwelling shortfall is a well-intended tolerance level, it could assume greater significance in LPAs with lower annual housing targets. We would therefore advocate an alternative to the 200-dwelling threshold, using an appropriate percentage of housing need – whichever is fewer – to calculate the allowable shortfall and therefore reduce the impact on delivering the level of housing required.

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

As above (question 103).

Conclusion

In conclusion, on behalf of The Mac Mic Group, we are supportive of the proposed reforms. However, we emphasise the urgent need to act now, to ensure tangible and effective changes are brought forward, and housing delivery is at the forefront of Government's current term.

We hope the submitted representations are helpful and would welcome further opportunities to engage with the consultation process.

Yours sincerely,

The Mac Mic Group

Enc. N/A

Appendix 1 – Table of Questions Responded to

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
28	
29	
30	
31	
32	
33	
34	
35	
36	
37	
38	
39	
40	
41	
42	
43	
44	
45	
46	
47	
48	
49	
50	
51	
52	

53	
54	
55	
56	
57	
58	
59	
60	
61	
62	
63	
64	
65	
66	
67	
68	
69	
70	
71	
72	
73	
74	
75	
76	
77	
78	
79	
80	
81	
82	
83	
84	
85	
86	
87	
88	
89	
90	
91	
92	
93	
94	
95	
96	
97	
98	
99	
100	
101	
102	
103	
104	
105	

106	
-----	--