

Proposed Reforms to the National Planning Policy Framework and other changes to the Planning system consultation

Analysis and recommended responses from Epsom and Ewell Borough Council

August 2024

Question	Implications for EEBC	Recommended Response
Chapter 3 – Planning for the homes we need		
<p><i>Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?</i></p>	<p>The proposed amendment to paragraph 61 will result in the housing need figure generated by the standard method no longer being ‘an advisory starting point’. This wording was introduced in the December 2023 NPPF update.</p> <p>However, paragraph 11b of the NPPF is not proposed to be changed (which relates to the presumption in favour of sustainable development for plan making). Para 11b enables local authorities to set a housing requirement that is less than the housing need figure where justified and specific circumstances apply.</p> <p>Our Regulation 18 Local Plan that we consulted on in February and March 2022 proposed meeting approximately 56% of the need generated by the standard method for the Local Plan period.</p>	<p>No, The Council welcomed the clarity that the amended text provided for authorities that could justify a local plan containing a housing requirement lower than the figure generated by the standard method through the local plan process.</p> <p>Epsom and Ewell consider that meeting the current housing requirement generated by the standard method in full would not deliver sustainable development, with the environmental harm outweighing the social and economic benefits.</p>

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	<p>Therefore, as drafted, the opportunity process to demonstrate that the application of policies in this NPPF that protect areas or assets of particular importance (such as Green Belt or sites of Sites of Special Scientific Interest) provide a strong reason for restricting the overall scale, type or distribution of development in the plan area.</p> <p>However, we consider that the amendment in December 2023 provided useful clarification that the standard method was a start point and a lower housing requirement could be planned for (where justified).</p>	
<p><i>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?</i></p>	<p>The proposal would remove the following text from the NPPF and the supporting footnote:</p> <p><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><i>*Such particular demographic characteristics could, for example, include areas that are islands with no land bridge that have a significant proportion of elderly residents.</i></p>	<p>We consider that there may be circumstances that warrant a local authority taking an alternative approach to the standard method where there are compelling reasons.</p> <p>For example, we note that Chapter 2 of the consultation document (para 6) states ‘that authorities may be able to justify a lower housing requirement and if the standard method is retained, then further clarification as to what those circumstances may be, should be provided to local authorities.</p>

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	<p>As noted in Q1, as a Green Belt authority, paragraph 11b of the NPPF enables the Council to provide a housing requirement in the Local Plan that is less than housing need figure arising from the standard method. However, such an approach needs to be justified and will be subject to extensive scrutiny at examination.</p>	
<p><i>Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?</i></p>	<p>There were no direct implications for EEBC as we were not affected by the urban uplift.</p> <p>However, the London boroughs of Kingston and Sutton that adjoin our local authority area were impacted by the urban uplift which increased their housing need figures.</p> <p>The removal of the urban uplift (if implemented) alongside the other proposed changes to the standard method will result in the housing needs of these two adjoining authorities reducing.</p> <p>The London Plan sets housing targets for the London Boroughs of Sutton and Kingston which are lower than the current standard method figures (with and without the urban uplift).</p>	<p>No. The unintended impact of this is likely to be an uplift in the requirement for housing in more rural areas, which are less sustainable and less likely to have the infrastructure required to support development.</p>
<p><i>Question 4: Do you agree that we should reverse the December 2023 changes made on</i></p>	<p>Paragraph 130 of the December 2023 NPPF states that <i>'significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such</i></p>	<p>No, we welcomed the introduction of this wording into the NPPF which we consider emphasizes the need for having regard to character when considering higher density proposals. Epsom and Ewell is a historic borough where</p>

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<p><i>character and density and delete paragraph 130?</i></p>	<p><i>circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan’.</i></p> <p>The paragraph is proposed to be deleted.</p> <p>There are other policies within the National Planning Policy Framework, which state that ‘policies and decisions should make efficient use of land, taking into account... the desirability of maintaining an areas character and setting’;(para 126) and ‘planning policies and decisions ensure that development ‘are sympathetic to local character and history, while not preventing or discouraging innovation or change (such as increased densities) (para 132). However, the wording of para 130 makes clear the need to balance development needs and efficient land use, with the character of the borough.</p>	<p>retaining character needs to be balanced with making efficient use of land.</p>
<p><i>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</i></p>	<p>We do not currently have a borough wide design code or more local design codes.</p> <p>A number of authorities secured government funding to develop design codes and so far officers are only aware of one borough wide design code being adopted (in a national park authority).</p> <p>The experience of authorities producing design codes is that progress has been slower than</p>	<p>We agree that design codes should be prioritised at the areas of greatest change, however there should remain flexibility for local authorities to undertake a borough wide design code should it suit their local circumstances.</p> <p>We do not consider that it is necessary to update the NPPF wording on this matter as the National Model Design Code identifies that it is for local authorities to determine the spatial coverage of their design code(s).</p>

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<i>change such as greater density, in particular the development of large new communities?</i>	<p>expected and the documents have been expensive to produce.</p> <p>Officers consider it would make sense to prioritise design coding at areas subject to change and most potential to align with the spatial vision of the Local Plan.</p>	
<i>Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?</i>	<p>The amendments relate to the decision-making elements of paragraph 11 of the NPPF, shifting the focus for engaging the presumption in favour of sustainable development from ‘relevant development plan policies’ to those that ‘relate to the supply of land’.</p> <p>Amendments are proposed to the supporting text to clarify that policies for the supply of land are those which set an overall requirement and/or make allocations and allowances for windfall sites for the area and type of development concerned. This is the Local Plan Spatial Strategy and supporting site allocations policies.</p>	<p>Yes. The clarification in respect of the presumption should reduce the time spent at planning appeals arguing which polices are relevant.</p> <p>It is welcomed that the Government consider the “presumption in favour” should not be an excuse for poor quality design.</p>
<i>Question 7: Do you agree that all local planning authorities should be required to continually</i>	<p>All local authorities had previously been required to demonstrate a five-year land supply for a number of years, with the implication of not being able to demonstrate a five year supply being the engagement of the ‘presumption in favour of sustainable development’.</p>	<p>No, we consider that the ability for LPAs to fix their five year housing land supply following successful examination of the plan should remain – it is an incentive to LPAs to get an up to date and evidenced Local Plan in place and provides certainty to communities following the adoption of the plan that they will be ‘protected’ from the presumption.</p>

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<p><i>demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?</i></p>	<p>Following changes to the NPPF in December 2023, we can report against a four year housing land supply due the stage we have reached in progressing our Local Plan.</p> <p>The Council cannot currently demonstrate either a four or five year land supply in the borough due to our level of housing delivery when compared to the housing need generated by the standard method.</p> <p>The NPPF (December 2023) does not require local authorities to demonstrate a five year land supply where they have up-to-date plans in place (less than five years old) and the adopted plan could demonstrate a five year supply at the time the local plan examination concluded.</p> <p>This exemption is proposed to be removed and whilst we do not currently benefit from it, it is an incentive for local authorities to have an up to date plan in place as it is likely to reduce the risk of speculative development following adoption of Local Plans.</p>	<p>We have no objections to the proposed changes in relation to whether a four or five year land supply position should apply. We do however have comments on the buffers which are detailed in our responses to Questions 9 and 10.</p> <p>Epsom and Ewell are currently unable to demonstrate a four or five year housing land supply, this is partly as a result of supply being assessed against current standard method due to the age of our development plan.</p> <p>In addition, as a constrained borough, our housing land supply is low, with some allocated sites from the current local plan remaining undeveloped and there being a lack of landowner interest in bringing some sites forward (despite pro-active engagement).</p>
<p><i>Question 8: Do you agree with our proposal to remove wording on national planning guidance</i></p>	<p>No direct implications of this change to remove reference to the planning practice guidance in the NPPF for further detail on calculating five year housing land supply.</p>	<p>No comment.</p>

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<i>in paragraph 77 of the current NPPF?</i>		
<i>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?</i>	<p>The 5% buffer is to provide flexibility to ensure choice and competition in the market of land and has been the default uplift for those authorities that have slightly underdelivered housing for the previous 3 years.</p> <p>We are currently required to apply a 20% buffer to our housing land supply calculation because the council is underdelivering housing when assessed against the standard method.</p>	No, we consider that the 5% buffer should be removed as there is no evidence that the buffer ensures choice and flexibility in the market.
<i>Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?</i>	As detailed above, the 5% buffer is well established and does not apply to Epsom and Ewell.	We consider no buffers should be applied.
<i>Question 11: Do you agree with the removal of policy on Annual Position Statements?</i>	<p>As above, we have been unable to demonstrate a five-year housing land supply for a number of years and therefore have not prepared Annual Position Statements.</p> <p>Annual position statements enable LPAs to fix their five year housing land supply once in a given 12</p>	No comment.

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	month period, however very few authorities have chosen to do this	
<p><i>Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?</i></p>	<p>For plan making the Council currently engages with neighboring authorities through the Duty to Co-operate (DtC) process and other formal and informal mechanisms. Demonstrating that the DtC has been complied with is part of the first stage of a Local Plan examination process.</p> <p>The consultation document (para 25) makes clear that it will be necessary to introduce new mechanisms for ‘cross boundary strategic planning’ to address key spatial issues (housing needs, infrastructure, economy etc).</p> <p>The Government commit to formalising through legislation the establishment of Spatial Development Strategies that will be based on appropriate geographies to cover functional economic areas for areas without elected mayors.</p>	<p>We agree with the principle of proposed changes to paragraph 24 of the NPPF and the introduction of a new paragraph 27 in relation to cross boundary engagement which is important in two tier authority areas such as Surrey.</p> <p>Through the plan making process securing necessary information from some infrastructure providers can be challenging, which can make identifying the scale and type of infrastructure improvements required to support growth challenging.</p> <p>In terms of the commitment to Spatial Development Strategies we consider it would be helpful to undertake further consultation on this matter, as it is currently unclear how such a process would work in practice and how it would impact the role of local authorities in terms of plan making or decision making.</p>
<p><i>Question 13: Should the tests of soundness be amended to better assess the soundness of</i></p>	<p>There is no definition of what constitutes a strategic scale proposal, and the question has been posed as an ‘open’ one. However, with the largest site being promoted for development through our call for sites process being for up to 1,500 homes we consider it unlikely that we will have any schemes that would qualify. However, it is important that necessary supporting</p>	<p>We reserve comment on this matter until detailed proposals of potential changes are subject to consultation.</p>

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<i>strategic scale plans or proposals?</i>	infrastructure is delivered for all sites / the local plan as a whole to deliver sustainable development.	
<i>Question 14: Do you have any other suggestions relating to the proposals in this chapter?</i>	-	No Comment.
Chapter 4 – A new Standard Method for assessing housing needs		
<i>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?</i>	<p>The proposal will amend the standard method with the first stage of the calculation being based on a proportion of household stock (0.8%) as opposed to the average annual growth in household projections for a 10 year period. Appendix 3 of the LPPC report sets out the calculations.</p> <p>The stage 1 (baseline) output for the current method delivers an annual housing figure of 407 dwellings per annum whereas the new method delivers a baseline requirement of 265 dwelling per annum.</p>	<p>The current reliance on out of date projections has been the cause of much concern. The use of baseline housing stock as opposed to household projection rates for the baseline component of the standard method is broadly welcomed, although the historic level of housing delivery in our borough does not average 0.85% of the total housing stock per annum as detailed in the consultation document, in Epsom and Ewell we have averaged approximately 0.55% based on the local authority level data on baseline housing stock change.</p> <p>The above emphasises our concern of the use of a standard method for all English planning authorities, as it</p>

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	<p>The proposed change therefore reduces the 'baseline' requirement for housing in the borough prior to the affordability uplift being applied and reflects national historic growth rates.</p> <p>For context 0.8% has been selected as on average, housing stock has grown nationally by 0.89% per year over the last 10 years.</p> <p>Over the same period the borough's average household growth has been 0.55% based on the same dataset.</p>	<p>fails to have regard to local constraints and circumstances which can limit the amount of growth that can be delivered, and may also not result in a fair distribution of homes across the country.</p>
<p><i>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?</i></p>	<p>Under the current standard method, we are required to use the latest 'workplace based median house price to median earnings ratio. For the current year (2023) this is 16.8 and in the previous year (2022) the figure was 19.5.</p> <p>Under the proposed method we will take the average for the last three years (this is calculated as 17.93) – Please see Appendix 3 of the supporting Committee Report for more information.</p> <p>The implications of this are that it will smooth out peaks and troughs in the borough's data so will result in more gradual increases and decreases in the affordability adjustments made at the second stage when applying the methodology.</p>	<p>We consider the use of averaged data for the three-year period is appropriate, although we question the use of simple affordability multipliers as part of the second stage of the standard method as again, these fail to have regard to local constraints and circumstances.</p>

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<p><i>Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?</i></p>	<p>The proposals suggest amending the affordable multiplier from 0.25 to 0.6 for every 1% the workplace based median house price to median earnings ratio is over 4.</p> <p>The result of this change is that the uplift to the housing need is much more substantial for a borough where the affordability ratio is high (such as in Epsom and Ewell).</p> <p>This is shown in appendix 3 of the supporting Committee Report. Essentially under the current method the stage 1 output increases by a multiple of 1.8 and under the new methodology the stage 1 output is multiplied by 3.09, which results in a significantly higher requirement for the borough.</p>	<p>Whilst we recognise there is an issue of housing affordability at the national level, however, we consider that the proposed amendments to the standard method that significantly increases the uplift to the baseline requirements are excessive and unachievable.</p> <p>The affordability uplift for our borough based on the proposed changes more than triples the baseline figure generated by the percentage of baseline housing stock, which as noted in our response to Q15 exceeds what has been delivered in Epsom and Ewell.</p> <p>The proposed changes have no regard to constraints or land availability, which means that many local authorities (such as Epsom and Ewell) will not be able to meet the targets as a result of the uplifts.</p> <p>We consider that the proposed affordability multiplier of 0.6 needs to be significantly reduced or a cap reinstated as is the case in the current standard method.</p>
<p><i>Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how</i></p>	<p>This is not proposed to be incorporated into the model, they are seeking of views on whether rental costs should also be considered. No views at this time on this matter.</p>	<p>We have no comments on this matter as there is insufficient information to respond to.</p>

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<i>this could be incorporated into the model?</i>		
<i>Question 19: Do you have any additional comments on the proposed method for assessing housing needs?</i>	<p>It is important to note that the methodology includes a cap that limits the level of increase, in our case this is 40% above the stage 1 requirement, which equates to 570 dwellings per annum. Without this cap the housing need figure for the borough would be 736 dwellings per annum under the current methodology.</p> <p>The proposed standard method removes the third and final stage where a cap is applied. As a result of the removal of this third stage in the proposed standard method (in addition to the changes to the baseline method and affordability uplifts detailed above), the result is that our housing need figure for the borough is calculates to be 817 dwellings per annum.</p>	<p>We question the use of standard methods to identify housing needs at the local level as they fail to have regard to local circumstances and constraints that impact the need for and ability to deliver housing.</p> <p>We note that the revised method removes the stage 3 cap. We consider that a cap should be retained in the standard method which should limit the level of increase over the stage 1 output.</p> <p>We acknowledge that if such a cap were applied across England, this may limit the Government’s ability to deliver 300,000 homes per year, however from a local perspective the output of the proposed methodology is undeliverable and has no regard to local circumstances or land supply.</p>
Chapter 5 – Brownfield, grey belt and the Green Belt		
<i>Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step</i>	Proposed Amendments to the NPPF that would give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.	For many years the ‘brownfield first’ principle has applied. This seems to be a minor alteration to which there is no objection. However, retention of Previously Developed Land (PDL) in “settlements” seems contradictory to allowing PDL in the Green Belt. Clarification should be provided.

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<p><i>towards brownfield passports?</i></p>	<p>The amended paragraph 124c continues to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, but inserts additional wording that <i>'proposals for which should be regarded as acceptable in principle'</i>.</p> <p>It is important to note that the general assumption in our existing and emerging Local Plan is that brownfield development is acceptable in principle, subject to satisfying relevant policies in the Local Plan.</p>	
<p><i>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?</i></p>	<p>The change means that proposals for infill or redevelopment of previously developed land in the Green Belt will be acceptable where it can be demonstrated that they will not cause substantial harm to the Green Belt.</p> <p>This is a watering down of the current guidance where redevelopment should not have a greater impact on openness. This is often applied by ensuring redevelopment schemes within the Green Belt do not increase the volume of built form. Removing this is likely to lead to more development within the Green Belt as the 'substantial harm' test would allow for more development than the current 'greater impact'.</p>	<p>No. The proposed wording would lead to more development of Green Belt land, which is likely to be more unsustainable than urban brownfield sites and which goes against the established Green Belt principles.</p>

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<p><i>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?</i></p>	<p>Views are sought on whether to expand the definition of PDL (previously developed land) in the NPPF to include hardstanding and glasshouses.</p> <p>Inclusion of this types of built form within the definition is likely to increase the amount of Green Belt land that would be considered acceptable in principle.</p> <p>In the borough's Green Belt there are limited glass houses, however there are some areas of hard standing.</p>	<p>No. The proposed wording would lead to more development of Green Belt land, which is likely to be more unsustainable than urban brownfield sites and which goes against the established Green Belt principles.</p>
<p><i>Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?</i></p>	<p>Proposed introduction of 'Grey Belt' development through the NPPF.</p> <p><i>Grey belt is defined as land in the Green Belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes... but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).</i></p> <p>Footnote 7 includes designated heritage assets and sites of special scientific interest, both of which are present in the borough.</p>	<p>No, we do not agree with the proposed definition and consider that the implications of introducing the definition (and associated policy changes) would result in harm to the Green Belt and result in increased development in locations that are poorly accessible, not well served by key services and public transport.</p> <p>We consider that the definition (if implemented) will increase the number of planning appeals with significant time and cost spent by local authorities debating whether a site or area land meets the definition of Grey Belt, specifically if the subsequent guidance contained in the consultation document (Chapter 5, para 10) is included within the Glossary of the revised NPPF as proposed. We consider there is duplication between criteria a and criteria</p>

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	<p>The Consultation document (Chapter 5 para 10) states that:</p> <p>Land which makes a limited contribution to the Green Belt purposes will:</p> <ul style="list-style-type: none"> a) Not strongly perform against any Green Belt purpose; and b) Have at least one of the following features: <ul style="list-style-type: none"> i. Land containing substantial built development or which is fully enclosed by built form ii. Land which makes no or very little contribution to preventing neighbouring towns from merging into one another iii. Land which is dominated by urban land uses, including physical developments iv. Land which contributes little to preserving the setting and special character of historic towns <p>Based on the above, there are likely to be parts of the borough that could be considered to be 'Grey belt'.</p> <p>There is no definition of substantial built development within the consultation material and therefore this point is likely to be debated through planning appeals and ultimately in the courts</p>	<p>b (iv) as 'preserve the setting and special character of historic towns' is one of the Green Belt purposes.</p> <p>We question the need for and do not support the introduction of a separate designation of 'Grey Belt' and consider that the decision as to whether to release green belt land for development should be through the local plan process where exceptional circumstances can be demonstrated or the current planning application route where very special circumstances need to be demonstrated.</p>

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<p><i>Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?</i></p>	<p>There is concern a landowner could deliberately degrade land within the Green Belt to meet the Grey Belt definition.</p>	<p>As with Biodiversity Net Gain (BNG), a ‘year zero’ could be set so that there is no benefit to be gained from deliberate degradation of land. Government may provide satellite imagery from the chosen date to determine whether it has been degraded on purpose.</p>
<p><i>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?</i></p>	<p>-</p>	<p>For the reasons above, even with guidance, the argument over whether land is Grey Belt will take up considerable time at planning application stage, planning appeal stage and ultimately in the courts.</p>

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<p><i>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?</i></p>	<p>-</p>	<p>For the reasons above, even with guidance, the argument over whether land is Green Belt will take up considerable time at planning application stage, planning appeal stage and ultimately in the courts.</p>
<p><i>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?</i></p>	<p>The Local Nature Recovery Strategy is a new spatial strategy to identify locations to improve nature and provide other environmental benefits.</p> <p>The LNRS for the County is being prepared by Surrey County Council (as the Responsible Authority) to fulfil the requirements of the Environment Act 2021.</p>	<p>Areas identified as being suitable for Local Nature Recovery should ideally be identified in parallel with Green Belt reviews. This will enable local authorities to consider the planning balance how to allocate specific land parcels through the local plan process having regard to local circumstances.</p>
<p><i>Question 28: Do you agree that our proposals support the release of land</i></p>	<p>Proposes a sequential approach to Green Belt release through Plan Making:</p>	<p>We agree that release of Green Belt should be in the right places. However, as drafted, this may not be the result. The “right place” for Green Belt release may not simply be because it is Grey Belt (low performing Green Belt). Across England and at the local level there will be low performing</p>

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<p><i>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?</i></p>	<ol style="list-style-type: none"> 1. Previously Developed Land in the Green Belt 2. Grey Belt Sites 3. Higher Performing Green Belt sites where they can be made sustainable <p>This could impact the spatial strategy of future iterations of the Local Plan, should the changes be implemented as written.</p>	<p>sites that are in unsustainable locations (with regards to access to services and infrastructure). An additional, or even replacement criteria should be that only land in sustainable locations should be released from the Green Belt.</p> <p>As noted above, we question the need for and do not support the introduction of a separate designation of 'Grey Belt'</p>
<p><i>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?</i></p>	<p>Additional text is proposed to be added to the NPPF to provide clarity on when exceptional circumstances apply – the text is detailed below:</p> <p>'Exceptional circumstances include, but are not limited to, instances where an authority cannot meet its identified need for housing, commercial or other development through other means. In these circumstances authorities should review Green Belt boundaries and propose alterations to meet these needs in full, unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of the plan as a whole'.</p>	<p>Yes, we agree. As a small borough with a dense urban area tightly constrained by Green Belt we consider that it is essential that any releases through the Local Plan process do not undermine the overall function of the Green Belt.</p>

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	<p>This could impact the spatial strategy and approach to Green Belt release in future iterations of the Local Plan, if implemented as written.</p>	
<p><i>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?</i></p>	<p>The proposed Inclusion of a new paragraph in the NPPF for decision making purposes (i.e. through planning applications on unallocated sites) that sets out the housing, commercial and other development should not be regarded as unacceptable in certain circumstances is a major shift from the current national policy position.</p> <p>The proposed wording is detailed below:</p> <p><i>In addition to the above, housing, commercial and other development in the Green Belt should not be regarded as inappropriate where:</i></p> <p><i>a. The development would utilise grey belt land in sustainable locations, the contributions set out in paragraph 155 below are provided, and the development would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole; <u>and</u></i></p> <p><i>b. The local planning authority cannot demonstrate a five year supply of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 76) or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years; or there is a demonstrable need for land to be</i></p>	<p>No, in general, we do not think it is good planning practice to make development decisions a “stick” for under delivery against nationally set housing targets that have no regard to local circumstances or constraints. Ideally, once we have our plan adopted with our locally identified need, we should not be under threat of unplanned Green Belt release.</p> <p>Against our current unattainable standard method derived housing figure, we constantly fail the Housing Delivery Test and the presumption in favour of sustainable development applies, which increases the risk of speculative applications on Green Belt.</p> <p>We consider that the proposals (if implemented) would essentially undermine the entire plan making process and result in extensive debate at the planning application and appeal stages as to whether a site is ‘grey belt’, in a ‘sustainable location’ and ‘would not undermine the function of green belt across the area of the plan as a whole’. The latter point may be difficult to evidence prior to any strategic green belt review being completed.</p>

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	<p><i>released for development of local, regional or national importance.</i></p> <p><i>c. Development is able to meet the planning policy requirements set out in paragraph 155).</i></p> <p>As an authority that fails to demonstrate a five year supply and does not meet the 75% requirement of the housing deliver test, the implication is that the development of Grey belt land in sustainable locations would not be considered to be inappropriate.</p>	
<p><i>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?</i></p>	<p>See above.</p> <p>Schemes that do not deliver housing would still be expected to deliver necessary improvements to infrastructure and the provision of new, or improvements to existing, open spaces that are accessible to the public.</p>	<p>We are supportive of this proposal in respect of plan making, where local considerations allow it. However, we are not in respect of decision making.</p>

Question	Implications for EEBC	Recommended Response
<p><i>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?</i></p>	<p>There consultation states that the government proposed to support the release of Greeb Belt land to address unmet needs for traveller sites, but no detailed proposals are presented with views being sought.</p> <p>Under current policy it is possible for the Council to release Green Belt to meet the needs of gypsy and travellers either through the local plan process if exceptional circumstances can be demonstrated or through decision making where very special circumstances can be demonstrated.</p> <p>The potential implications of applying the applying the sequential test for land release or grey belt definitions to meet unmet traveller needs would lower the bar for releasing green belt.</p> <p>It is worth noting that the draft local plan proposed the provision of gypsy and traveller accommodation as part of the development mix of a strategic site.</p>	<p>We believe that traveller sites should remain “inappropriate development” in the Green Belt context, unless there is an unmet need that cannot be met elsewhere. In which case, the unmet need would fall under exceptional / very special circumstances and be dealt with on a case-by-case basis.</p>
<p><i>Question 33: Do you have views on how the assessment of need for traveler sites should be approached, in order to determine whether a local</i></p>	<p>Local Planning Authorities are required to produce a Gypsy and Traveller Accommodation Assessment (GTAA) to identify the needs of this community over the plan period.</p> <p>Our GTAA (2022) identifies a need for 18 Gypsy pitches over the Local Plan period and our draft Local Plan proposed providing for some of this need through a strategic allocation in the Green</p>	<p>No comment.</p>

Question	Implications for EEBC	Recommended Response
<i>planning authority should undertake a Green Belt review?</i>	Belt due to the lack of urban sites that could accommodate this need.	
<i>Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?</i>	<p>The implication is that we would secure more affordable housing in the Green Belt (at least 50% with an appropriate proportion being social rented – subject to viability) with the tenure mix to be set locally. This would assist in meeting the borough high level of need for affordable housing and assist in reducing the council’s expenditure on nightly paid accommodation.</p> <p>On the other hand, there is a risk that if it results in landowners considering they will achieve less than best value for their sites, as a result they may take the view that they will delay progressing schemes with until more favourable policy terms apply.</p>	<p>In principle, yes but question how many schemes will end up complying given the viability opt out and wording such as appropriate proportion contained within the proposed wording. If it is this simple to introduce prescription of minimum affordable housing requirements for Green Belt sites regardless of need, we question why can’t this be applied to urban or non Green Belt areas as well?</p> <p>It should also be noted that Green Belt sites will often be more unsustainable, with poorer access to public transport and local facilities than urban sites.</p>
<i>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</i>	The implication is that there would be more affordable housing delivered from major housing developments in the Green Belt. We consider that 50% affordable housing is likely to be viable for Greenfield Green Belt sites (based on our 2022 Local Plan viability study), however it may be more challenging for previously developed Green belt sites.	<p>In principle, we are happy for Government to set a target across the board, if it thinks this is a viable solution. The question for us is, why would this approach be appropriate for Green Belt areas only and not other areas?</p> <p>In addition, for brownfield Green Belt sites, we assume that vacant building credit will remain applicable (we note no changes are proposed to para 65 of the NPPF or the supporting footnote), therefore the level of affordable housing could be reduced using this mechanism.</p>

Question	Implications for EEBC	Recommended Response
<i>targets in low land value areas?</i>		
<i>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?</i>	-	We do agree that these benefits should be secured as part of any planning application. However, these benefits can be secured under existing policy and so terming it as a specific benefit of development on the Green Belt is potentially misleading.
<i>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?</i>	-	<p>This seems to be a radical proposal, and would certainly provide more certainty. However, this intervention in the land market, we imagine, will have significant ramifications for the economy and the current system, of land negotiation as well as for landowners.</p> <p>Local Plans should shape what benchmark land values are by virtue of their policy requirements, and more emphasis should be placed on local plans being able to shape markets rather than reacting to it. We therefore think that option c is the most practical way of doing this.</p>

Question	Implications for EEBC	Recommended Response
<p><i>Question 38: How and at what level should Government set benchmark land values?</i></p>	-	<p>We do not have sufficient data to be able to answer this question.</p>
<p><i>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?</i></p>	-	<p>We believe this to be a fair approach, if it can be proven that the benchmark land value is fair.</p>
<p><i>Question 40: It is proposed that where development is</i></p>	-	<p>No comment.</p>

Question	Implications for EEBC	Recommended Response
<p><i>policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?</i></p>		
<p><i>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?</i></p>	<p>This scenario allows for less than the minimum to be provided at the time a planning application is determined, with the ability to re-assess viability at a later point (e.g. 75% of the development is complete) to see if there is the ability to secure additional affordable housing due to changes in development viability (e.g. the value generated from the development is higher than what was assumed at the time the planning permission was granted).</p>	<p>If government are to adopt this approach for development, then there should be no allowance for any contributions/affordable provision below the minimum set threshold as a golden rule.</p>

Question	Implications for EEBC	Recommended Response
<p><i>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?</i></p>	<p>-</p>	<p>All sites should be subject to the same amenity requirements as stipulated in local plan policy.</p>
<p><i>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,</i></p>		<p>Policy and guidance will always be amended post adoption. In this case, we do not see a reason why the introduction of the golden rule should be subject to any more transitional arrangements than others.</p>

Question	Implications for EEBC	Recommended Response
<i>including, for example, draft plans at the regulation 19 stage?</i>		
<i>Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?</i>	-	No comment
<i>Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?</i>	-	No comment
<i>Question 46: Do you have any other suggestions relating to the proposals in this chapter?</i>	-	Whilst we agree that Green Belt release should be strategic, we do question whether doing this at a Local Planning Authority level is strategic enough. The Green Belt is a shared policy tool which has an orbital relationship to London and impacts many local authority areas. The proposals as outlined are not considered to be strategic in

Question	Implications for EEBC	Recommended Response
		<p>nature. We would not be averse to the Government or Greater London Authority (GLA) setting up a commission to review the Green Belt to make impartial recommendations about where the most <i>sustainable</i> release and / or reintroduction, should occur if Green Belt release was considered to be necessary by local authorities to deliver sustainable development.</p>
<p>Chapter 6 – Delivering affordable, well-designed homes and places</p>		
<p><i>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?</i></p>	<p>In setting affordable housing requirements, we would need to consider the particular needs for social rented accommodation.</p> <p>Our Local Plan evidence base, including the Housing and Economic Development Needs Assessment (HEDNA) and local housing register demonstrate a high level of need for social rented accommodation in the borough (which are typically let at 50% of market rents).</p>	<p>Yes. There has been under delivery of much needed social rented housing at the local level and wider region for a number of years. However, there should be some flexibility allowed in how these needs can be met locally, which should also be considered within the NPPF.</p>

Question	Implications for EEBC	Recommended Response
<p><i>Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?</i></p>	<p>National Policy currently requires that 10% of all housing on a major site is provided as affordable home ownership. For example, on a development scheme of 50 houses, 5 of the homes should be affordable home ownership.</p> <p>The change will provide us with greater flexibility to provide the types of affordable housing that are needed the most in the borough, notably social rented accommodation.</p>	<p>We do agree if this allows Council's to focus on delivery on the most needed types of affordable housing in their area.</p>
<p><i>Question 49: Do you agree with removing the minimum 25% First Homes requirement?</i></p>	<p>Currently the NPPF requires that 25% of affordable housing is provided in the form of first homes (essentially a form of discounted market housing).</p> <p>The change if implemented will enable the council to deliver a greater proportion of social rented housing and affordable rented properties to meet identified needs.</p>	<p>We do agree if this allows Councils to focus on delivery on the most needed types of affordable housing in their area.</p>
<p><i>Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?</i></p>	<p>This will enable the council to require first homes, should we consider this is necessary.</p>	<p>No.</p>

Question	Implications for EEBC	Recommended Response
<p><i>Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?</i></p>	<p>We currently require a mix of tenure types from major developments, including shared ownership and affordable rented products.</p> <p>However, viability and the preferences of registered providers can impact the levels and types of affordable housing provided on site.</p>	<p>We agree. It is important to note that development viability and the preferences of registered providers can impact the levels and types of affordable housing that can be secured from sites, specifically the types of development that come forward in the boroughs urban area.</p>
<p><i>Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?</i></p>	<p>-</p>	<p>It is very important that social and affordable housing apportionments should not compromise on quality or design or amenity. All housing, particularly for families, should have access to good private open amenity space. Emphasis on “pepper potting” should also be required.</p>
<p><i>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</i></p>	<p>-</p>	<p>We are not entirely clear what is meant by unintended consequences in this context.</p>

Question	Implications for EEBC	Recommended Response
<i>of this nature is appropriate?</i>		
<i>Question 54: What measures should we consider to better support and increase rural affordable housing?</i>	-	We have no specific suggestions on this.
<i>Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?</i>	The change to policy explicitly requires the council to consider the needs for groups requiring looked after children in addition to other groups that are currently defined in policy (e.g. older people, students, people with disabilities).	We agree with this change.
<i>Question 56: Do you agree with these changes?</i>	Proposals to support community led housing and minor amendment to the definition of community-led development in the NPPF. No implications anticipated.	We agree.
<i>Question 57: Do you have views on whether the definition of 'affordable housing</i>	-	Provided it does not broaden out the scope of who would qualify as affordable providers too widely, we agree.

Question	Implications for EEBC	Recommended Response
<i>for rent' in the Framework glossary should be amended? If so, what changes would you recommend?</i>		
<i>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?</i>	-	In our experience, this is not necessarily the case. However, the main issue is most probably the lack of sites available for development, the size of the SME sector and the greater uncertainty and risk that comes with developing a small site.
<i>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</i>	Beauty is a subjective term and its introduction into the NPPF has done little to improve the quality of design – alternative references to 'well designed' 'in keeping with character' etc may be more helpful in assessing development proposals.	Beauty is subjective; however, considerable objection to development often arises because residents feel that the proposals are unattractive or inappropriate schemes which fail to respect local character. Local opposition is a key source of delays to the planning system and measures which seek to improve design quality to help reduce objection from local communities should be supported.

Question	Implications for EEBC	Recommended Response
<i>138 of the existing Framework?</i>		Whilst we would want new development within Epsom and Ewell to be “beautiful” the context within which it was introduced was overly value-laden and has done little influence planning decisions.
<i>Question 60: Do you agree with proposed changes to policy for upwards extensions?</i>	Minor amendments to existing policy and no implication anticipated as a result.	It is still not clear why mansard roofs are specifically mentioned in national policy; we consider this to be an detailed requirement indicating a preferred roof design over others, in a nationally strategic document. There are many ways of achieving “height” in buildings, which architects and landowners are more than capable of working out for themselves (with input from planners), without style preferences being dictated to them. In some areas, mansard roofs are entirely appropriate because they respect the character of areas or introduce a uniqueness that complements their surrounding. Such preference can easily be encouraged in local design guides. However, there are many other ways of achieving height or allowing upwards extensions without the need for national guidance to be so prescriptive as to the style of roof that should be used. We recommend that the preference for mansard roofs should therefore be removed.
<i>Question 61: Do you have any other suggestions relating</i>	-	No comment

Question	Implications for EEBC	Recommended Response
<i>to the proposals in this chapter?</i>		
Chapter 7 – Building infrastructure to grow the economy		
<i>Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?</i>	<p>The amendments to paragraph 86b would require that Local Plans should identify appropriate sites for commercial development which meet the needs of a modern economy, including suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics</p> <p>The changes to para 87 provides emphasis on the types of sectors that should be supported through plan making and decision taking.</p> <p>We consider that this proposed change is unlikely to significantly impact Epsom and Ewell.</p>	<p>We recognise the importance of investing in new industries; however, we consider further clarity is required on how industries of local, regional or national importance to support economic growth and resilience could be defined.</p>
<i>Question 63: Are there other sectors you think need particular support via these changes? What are they and why?</i>	<p>Unlikely to significantly impact Epsom and Ewell</p>	<p>No comment</p>

Question	Implications for EEBC	Recommended Response
<p><i>Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?</i></p>	<p>Unlikely to significantly impact Epsom and Ewell</p>	<p>No comment</p>
<p><i>Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?</i></p>	<p>Unlikely to significantly impact Epsom and Ewell-</p>	<p>No comment</p>
<p><i>Question 66: Do you have any other suggestions relating</i></p>	<p>-</p>	<p>There is a question as to whether any of the uses described above are by default, <i>nationally significant</i>. Most boroughs would understand the significance of such development and would expedite quickly. There is also the</p>

Question	Implications for EEBC	Recommended Response
<i>to the proposals in this chapter?</i>		issue of capacity at the Planning Inspectorate. We believe the best way to approach this would be through Local Plans or proposed Strategic Plans and clear policy encouragement, rather than through the NSIP process.
Chapter 8 – Delivering community needs		
<i>Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?</i>	This would say that significant weight should be placed on the importance of facilitating new, expanded, or upgraded public service infrastructure when considering proposals for development.	We have no objection to this proposal, though it is arguably implied in the existing paragraph.
<i>Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?</i>	Relates to inclusion of reference to early years and post -16 places in ensuring educational requirements are met	No comment.
<i>Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?</i>	Proposes amendments to policy that propose vision-led' transport planning as opposed to the 'predict and provide' approach. This approach is considered to be in general alignment with Surrey County Councils Local Transport Plan 4.	Further clarity should be provided on what vision led means and how it would be implemented as an alternative to the established mechanisms.

Question	Implications for EEBC	Recommended Response
<i>Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?</i>	-	Creation of sustainable developments where walking is encouraged and public transport is provided. However, intermittent Grey Belt development in unsustainable locations would appear to go against this aim.
<i>Question 71: Do you have any other suggestions relating to the proposals in this chapter?</i>	-	No
Chapter 9 – Supporting green energy and the environment		
<i>Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?</i>	Unlikely to significantly impact Epsom and Ewell	Yes
<i>Question 73: Do you agree with the</i>	Proposes more support for renewable and low carbon energy developments and proposes that	Yes

Question	Implications for EEBC	Recommended Response
<p><i>proposed changes to the NPPF to give greater support to renewable and low carbon energy?</i></p>	<p>we give significant weight to the proposals contribution to renewable energy generation and a net zero future.</p> <p>Amendments to set a stronger expectation that authorities proactively identify sites for renewable and low carbon development through the Local Plan process.</p>	
<p><i>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?</i></p>	<p>Unlikely to significantly impact Epsom and Ewell</p>	<p>Yes</p>
<p><i>Question 75: Do you agree that the</i></p>	<p>Unlikely to significantly impact Epsom and Ewell</p>	<p>Yes</p>

Question	Implications for EEBC	Recommended Response
<i>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?</i>		
<i>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?</i>	Unlikely to significantly impact Epsom and Ewell	Yes
<i>Question 77: If you think that alternative thresholds should apply to onshore</i>	-	No suggestion

Question	Implications for EEBC	Recommended Response
<i>wind and/or solar, what would these be?</i>		
<i>Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?</i>	-	
<i>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?</i>	-	<p>There are currently a wide range of tools and mechanisms for supporting accurate carbon accounting. If such a proposal were to be introduced, we would suggest a standard approach nationally (such as biodiversity net gain) with a nationally produced metric or assessment regime produced by the relevant government department(s). This would provide certainty to all involved in the planning system.</p>

Question	Implications for EEBC	Recommended Response
<p><i>Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?</i></p>	<p>No changes are proposed to the national policy in relation to flooding (paragraphs 165-179) but the government are seeking views on how this could be changed.</p> <p>The Planning Practice Guidance contains a section on flood risk and coastal change and it important to note external organisations, notably the Environment Agency and Surrey County Council as lead local flood authority play a role in Local Plan policy formation and as consultees on relevant planning applications.</p>	<p>No comment.</p>
<p><i>Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?</i></p>	<p>-</p>	<p>We would welcome the introduction of more ambitious sustainability standards for new buildings, that go beyond the current building regulations. The Future Homes standards should be implemented but we consider there is scope to go further than what was set out in the previous consultation if we are to achieve zero carbon development.</p> <p>In addition, we consider that local authorities should be able to go beyond the Future Homes Standards where evidenced that such standards can be delivered viably and will not undermine the delivery of affordable housing.</p>
<p><i>Question 82: Do you agree with removal</i></p>	<p>Relates to protection of best and most versatile agricultural land and removing a footnote on this</p>	<p>No comment</p>

Question	Implications for EEBC	Recommended Response
<i>of this text from the footnote?</i>	matter that was inserted into the NPPF in December 2023.	
<i>Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?</i>	-	No comment
<i>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?</i>	Relates to improving water scarcity and quality	Yes
<i>Question 85: Are there other areas of the water infrastructure</i>	Unlikely to significantly impact Epsom and Ewell	No comment

Question	Implications for EEBC	Recommended Response
<i>provisions that could be improved? If so, can you explain what those are, including your proposed changes?</i>		
<i>Question 86: Do you have any other suggestions relating to the proposals in this chapter?</i>	-	No comment
Chapter 10 – Changes to local plan intervention criteria		
<i>Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?</i>	<p>Potential changes to the process through which the Secretary of State can intervene in a Local Plans development.</p> <p>Legislation and some intervention criteria were published in 2017. The current Local Plan intervention policy criteria says that intervention decisions are made where:</p> <ul style="list-style-type: none"> • the least progress in plan-making had been made; • policies in plans had not been kept up to date, • there is higher housing pressure and 	<p>No - we consider that intervention should only be used as a last resort as it can undermine local democracy. We consider the inclusion of sub regional or national economic development needs is too broad a term.</p> <p>The existing intervention criteria alongside the legislation have worked effectively in maintaining local plan progress.</p>

Question	Implications for EEBC	Recommended Response
	<ul style="list-style-type: none"> intervention would have the greatest impact in accelerating local plan production. <p>It also states that decisions on intervention would be informed by the wider planning context in each area and authorities have the opportunity to put forward exceptional circumstances prior to action being taken.</p> <p>The proposed revisions to the policy criteria suggested in the consultation are that authorities would be at risk of “government intervention” if they “fail to do what is required to get their plan in place or keep it up to date”. It adds that under the proposed new criteria, decisions to intervene would have to consider</p> <ul style="list-style-type: none"> A) local development needs B) sub-regional, regional and national “development needs” C) “plan progress”. <p>The proposed criteria may increase the risk of the government intervening in plan making at the local level, as has recently occurred in neighbouring Mole Valley. The ability for the council to put forward exceptional circumstances prior to any action being taken would remain.</p>	
<p><i>Question 88: Alternatively, would you support us</i></p>	<p>See above.</p>	<p>We have no particular view on particular tests against which local plans should be intervened on. However, we do</p>

Question	Implications for EEBC	Recommended Response
<i>withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?</i>		question what powers the Secretary of State would have, which would both speed up delivery on the one hand, and respect the plan led system and local democracy on the other.
Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects		
<i>Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?</i>	<p>This change, if implemented, would increase the amount that the Council is able to charge for householder planning applications.</p> <p>This would enable the full cost of processing these applications to be covered and would increase the amount of income received from individual householder applications.</p>	<p>Yes. For many years the cost of processing planning applications has not been reflected in the application fees, and the gap between cost and income is particularly evident in householder applications.</p> <p>A fee of around £528 is much closer to full cost recovery than the current £258. Given the planning application fee itself is relatively minor in the overall cost of a householder project, a fee of £528 would not act as a disincentive.</p>
<i>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</i>	£528 is much closer to the estimated cost of processing a householder planning application.	We consider that a fee of £528 would be close to full cost recovery. Until very recently, application fees were not index linked and it is considered that the new fees, if implemented, should be index linked to ensure they keep up with the cost of providing the service.

Question	Implications for EEBC	Recommended Response
<p><i>increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.</i></p> <p><i>If Yes, please explain in the text box what you consider an appropriate fee increase would be.</i></p>		
<p><i>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?</i></p> <ul style="list-style-type: none"> • Yes 	As above	Yes

Question	Implications for EEBC	Recommended Response
<ul style="list-style-type: none"> • <i>No – it should be higher than £528</i> • <i>No – it should be lower than £528</i> • <i>no - there should be no fee increase</i> • <i>Don't know</i> 		
<p><i>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.</i></p>	<p>The Council commented on a previous consultation in relation to planning fees from February 2023. The response identified that the fees for certain types of planning and other types of application such as for new dwellings, discharge of conditions etc. do not cover the cost of providing the service. Although the fees for new dwellings subsequently rose from £462 to £578, it has still not kept pace with costs and much of the response from last year remains relevant</p>	<p>This Council commented on the 2023 planning fees consultation, identifying that the fees for certain types application such as for new dwellings, s73's, discharge of conditions, prior approvals etc. does not cover the cost of providing the service. Although the fees for new dwellings subsequently rose, it has still not kept pace with costs and much of the response from last year remains relevant.</p> <p>If the fee for a householder application raises to £528, then there should be acceptance that the cost for dealing with an application for a new dwelling is significantly higher than the current £578.</p>
<p><i>Question 93: Are there any application types for</i></p>	<p>Some types of application such as for Listed Building Consent and tree works notifications are free but can involve significant work, especially</p>	<p>Often applications such as for Listed Building Consent and tree works are time consuming and resource-heavy given the input of specialist advice. Although they should not be</p>

Question	Implications for EEBC	Recommended Response
<p><i>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.</i></p>	<p>given the specialism involved. Although they should not be charged at the same rate as other types of application, a smaller fee to go towards the costs of providing the service would help ensure that those parts of the service remain adequately resourced.</p>	<p>charged at the same rate as other types of application, a smaller fee would help towards the costs of providing the service.</p>
<p><i>Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below.</i></p>	<p>Local fee setting, or as an alternative, regional fee setting, would enable the Council to ensure full cost recovery.</p>	<p>Local fee setting would allow authorities to cover the cost of their service. Provided there was, for example, a benchmark figure for a region, or a maximum variation of X% from a set figure to ensure that fees were not set too high, allowing each LPA to set its own fees should be tested.</p>
<p><i>Question 95: What would be your preferred model for localisation of planning fees?</i></p>	<p>As above.</p>	<p>Full localisation with one of the measures identified above in Q94 to ensure fees remain reasonable.</p>

Question	Implications for EEBC	Recommended Response
<ul style="list-style-type: none"> • <i>Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.</i> • <i>Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.</i> • <i>Neither</i> • <i>Don't Know</i> 		
<p><i>Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for</i></p>	<p>This would enable elements of the service, which do not generate income, such as Planning Enforcement, to be properly funded.</p>	<p>Yes. As an example, a major concern for the Council is planning enforcement, the lack of which undermines the integrity of the planning system. It is therefore vital that the Council is able to properly resource an enforcement service and we would therefore support fees increase that</p>

Question	Implications for EEBC	Recommended Response
<p><i>planning applications services, to fund wider planning services?</i></p> <p><i>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?</i></p>		<p>would allow us to provide a service to meet the needs of our residents.</p> <p>Although the question implies that developers should not pay for a public service, in the case of enforcement, it is often the action of developers which results in the need for time consuming and costly enforcement action, and it is reasonable that this cost should be covered through fees.</p>
<p><i>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?</i></p>	<p>Specialist work undertaken by the Council such as enforcement, tree work and conservation work does not on its own generate an income for the Council. Nor does the work undertaken in respect of Planning Policy in terms of Local Plan preparation, creation of supplementary guidance etc.</p>	<ul style="list-style-type: none"> - Planning Enforcement - Tree related applications - Conservation advice and applications - Planning Policy

Question	Implications for EEBC	Recommended Response
<p><i>Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?</i></p>	<p>Relates to nationally significant projects.</p>	<p>Yes, support cost recovery.</p>
<p><i>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</i></p>	<p>No comment</p>	<p>No comment</p>

Question	Implications for EEBC	Recommended Response
<p><i>costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.</i></p>		
<p><i>Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?</i></p>	<p>No comment</p>	<p>No comment</p>
<p><i>Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence</i></p>	<p>-</p>	<p>No comment</p>

Question	Implications for EEBC	Recommended Response
<i>of the costs associated with work undertaken by local authorities in relation to applications for development consent.</i>		
<i>Question 102: Do you have any other suggestions relating to the proposals in this chapter?</i>	-	No
Chapter 12 – The future of planning policy and plan making		
<p><i>Question 103: Do you agree with the proposed transitional arrangements?</i></p> <p><i>Are there any alternatives you think we should consider?</i></p>	<p>As presented, the transitional arrangements detailed in Annex 1 of the track change version of the NPPF published as part of the consultation will not to apply to our emerging Local Plan.</p> <p>This means that our Local Plan will be examined against the new NPPF (following its publication which is anticipated by the end of 2024).</p> <p>One of the proposals is that for plans that have reached Regulation 19 consultation stage within one month of the NPPF being adopted and where</p>	<p>No, we do not consider that they have sufficient regard to the time it takes to produce Local Plan and reach key milestones (such as a Regulation 19 consultation) or the lead in times for democratic processes to be undertaken.</p> <p>This Council has committed significant resource to prepare out Local Plan, in accordance with our Local Development Scheme (LDS) and we are aiming to conduct a Regulation 19 Local Plan Consultation early in 2025.</p> <p>The proposed transition arrangements would mean that our proposed Local Plan would need be examined against</p>

Question	Implications for EEBC	Recommended Response
	<p>there is a variance (gap) of more than 200 dwellings between the housing requirement contained in the plan and standard method (as will be the case for EEBC), the Government are offering financial support to authorities in such circumstances to update their Local Plan to align with the new NPPF, undertake additional consultation and submit their plan within 18 months of the NPPF adopted. There is no detail on the value / amount of support likely to be available to local authorities.</p> <p>The additional consultation stage proposed would have to be another Regulation 19 consultation for legal compliance which would be a six week consultation.</p> <p>If the NPPF changes are implemented as proposed, we would need to undertake an update to key components of our evidence base including our Housing and Economic Development Needs Assessment (to reflect the new standard method), Green Belt evidence (to reflect the introduction of Grey Belt), viability evidence to reflect changes to affordable housing requirements (greater mix of social rented and reduced affordable home ownership).</p> <p>This extra work has not been budgeted for and therefore it is important that the government makes sufficient funding available to local authorities that have reached an advanced stage of Plan Making.</p>	<p>the future updates to the NPPF as we do not satisfy the criteria in para 226.</p> <p>Dependent on the date the NPPF is published we may be an authority where para 228 applies, whereby we would be required to proceed to examination within 18 months from adoption. We note from the consultation document we would be expected to amend our plan and supporting evidence, undertake an additional round of consultation (we consider that this would have to be a 6 week consultation on a second Regulation 19 stage but would welcome clarity on this) and submit within the 18 month period.</p> <p>We consider that the transitional arrangements detailed in the updated NPPF should reflect the time taken to prepare and progress plans to key development stages and therefore a pragmatic approach would be amending para 226 to remove the references to the housing figures and increasing the length of time the transition arrangements will apply following the adoption of the NPPF from one month to at least six months.</p> <p>Potential wording for paragraph 226 is show below:</p> <p>a. the emerging annual housing requirement⁸³ in a local plan that reaches or has reached Regulation 19 (pre-submission stage) on or before [publication date + six ^{one}</p>

Question	Implications for EEBC	Recommended Response
		<p>months] is no more than 200 dwellings below the published relevant Local Housing Need figure⁸⁵;</p> <p>b. the local plan is a Part 2 plan that does not introduce new strategic policies setting the housing requirement unless the relevant Local Plan Part 1 has been prepared applying the policies in this version of the Framework;</p> <p>c. the local plan is or has been submitted for examination under Regulation 22 on or before [publication date + six one months].</p> <p>We would recommend that paras 227 is amended as follows and para 228 deleted.</p> <p>227. Where paragraphs 226a or 226 c apply, local plans that reach adoption with an annual housing requirement that is more than 25% 200 dwellings lower than the relevant published Local Housing Need figure will be expected to following the adoption of the Local Plan, plan-making in the new plan-making system should commence at the earliest opportunity. to address the shortfall in housing need.</p> <p>We consider the above changes will provide certainty for local authorities that are developing local plans and are at an advanced stage (such as Epsom and Ewell) and increase the number of up to date local plans in place. In addition, we consider that the use of a '200 dwellings lower</p>

Question	Implications for EEBC	Recommended Response
		<p>than the relevant published housing land figure' does not reflect para 11b of the NPPF which enables local authorities to justify a housing requirement lower than the standard method where constraints justify this.</p> <p>In addition, we note the consultation document states that additional funding will be available to local authorities that have reached Reg 19 stage on or before one month of the date of publication of the revised NPPF to enable them to update their plans, undertake additional consultation, and submit their plans, although no detail is provided on the type / value of the support on offer, which is likely to be significant given the additional evidence base that will be required.</p> <p>We consider that the government is mindful to retain the transition arrangements as drafted (which as noted above we disagree with), it will be crucial that sufficient funding and support is provided to local authorities at an advanced stage of plan making (Post Reg 18) to enable the prompt update of plans.</p> <p>The consultation does not properly consider authorities in our situation who are between Regulation 18 and Regulation 19 and the significant amount of resource that goes into preparing the evidence base to support Local Plans.</p>

Question	Implications for EEBC	Recommended Response
<i>Question 104: Do you agree with the proposed transitional arrangements?</i>	See above	We do not agree with the transitional arrangements.
Chapter 13 – Public Sector Equality Duty		
<i>Question 105: Do you have any other suggestions relating to the proposals in this chapter?</i>	-	No comment
<i>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</i>	-	No comment

Question	Implications for EEBC	Recommended Response
<i>protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?</i>		